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Report of the Secretary-General on South Sudan

(covering the period from 14 April to 19 August 2015)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2223 (2015), by which the Council extended the mandate of the United Nations Mission in South Sudan (UNMISS) until 30 November 2015 and requested that I report on the implementation of the Mission's mandate by no later than 17 August 2015. This report provides an update to my previous report (S/2015/296) dated 29 April 2015, and covers developments from 14 April to 12 August 2015.

II. Political developments

South Sudan peace process

2. Following the suspension on 6 March of the peace talks led by the Intergovernmental Authority on Development (IGAD, the IGAD leaders and partners proposed the reinvigoration of the peace process through the IGAD-plus formula. IGAD-plus entails the expansion of the mediation team to incorporate key regional and international stakeholders to collectively exert the necessary pressure on the South Sudanese parties and offer incentives so that an inclusive and comprehensive peace agreement can finally be reached. It is composed of the IGAD member States (Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda), the African Union High-level Ad hoc Committee for South Sudan (Algeria, Chad, Nigeria, Rwanda and South Africa), the Troika States (Norway, the United Kingdom and the United States), China, the European Union, the United Nations and the IGAD Partners Forum.

3. At the same time, and despite the suspension of the talks on 6 March, the parties reiterated their support for the peace process. From 19 to 23 April, the Sudan People's Liberation Movement/Army (SPLM/A) in Opposition held a leadership conference in Upper Nile State to discuss the status of the peace process and the IGAD-plus mechanism. In the outcome document, SPLM/A in Opposition expressed its support for IGAD-plus and called for its involvement in the negotiations to ensure a sustainable peace process. On 30 April, the Minister for Foreign Affairs and International Cooperation of South Sudan, Barnaba Marial Benjamin, also stated that the Government welcomed the participation of the Troika, the African

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Union, the United Nations and other members of the international community in the peace process.

4. Meanwhile, other regional initiatives aimed at narrowing the differences between the South Sudanese leaders continued in parallel to the IGAD peace process. Under the framework of the Agreement on the Reunification of the Sudan People's Liberation Movement (Arusha Agreement), the co-guarantors, namely the Tanzanian and South African ruling parties, Chama Cha Mapinduzi (CCM) and the African National Congress (ANC), facilitated a dialogue between the three SPLM factions (the Government, SPLM/A in Opposition and the former detainees) to address leadership and political issues in the party.

5. On 29 May, the President of Kenya, who is also the rapporteur in the IGAD-mediated peace process, hosted a meeting in Nairobi attended by the former detainees, the ruling parties of South Africa and the United Republic of Tanzania and the Ministers for Foreign Affairs of Ethiopia and Kenya, which resulted in the announcement that the Arusha and IGAD processes had come together and that the former detainees were ready to return to Juba to reconcile the warring parties. On 1 June, five former detainees, escorted by the Deputy President of South Africa and ANC, the Secretary-General of CCM and the Ministers for Foreign Affairs of Ethiopia and Kenya, arrived in Juba on a four-day visit and held discussions with Salva Kiir Mayardit, President of South Sudan, and senior SPLM officials on the steps required for the implementation of the Arusha Agreement, and the complementarity of the Arusha and IGAD processes.

6. Concurrently, on 2 June, the Chairperson of the African Union Commission appointed former President Alpha Oumar Konaré of Mali as the African Union High Representative for South Sudan. Mr. Konaré has subsequently engaged in shuttle diplomacy with President Kiir and former Vice-President Riek Machar and with neighbouring countries, in particular Sudan and Uganda, to facilitate a coordinated resolution to the conflict.

7. During the reporting period, the IGAD special envoys also engaged in consultations with the Government, SPLM/A in Opposition and the former detainees to narrow the main areas of contention and propose a compromise. Following the consultations, on 10 June, the IGAD special envoys presented to the South Sudanese parties a summary of the proposed peace agreement.

8. The Government objected to the provisions of the summary related to executive power-sharing and transitional security arrangements. Similarly, SPLM/A in Opposition renewed its demands for compensation and reparations, federalism and proportionate power-sharing in all 10 states of South Sudan, and emphasized in a letter to the Secretary-General, dated 11 June, that an imposed solution would not end the conflict.

9. As discussions continued to stall, on 13 June, in the margins of the African Union summit in South Africa, the Peace and Security Council of the African Union issued a communiqué in which it called upon the South Sudanese parties, in particular the former detainees, to foster dialogue and understanding among the SPLM leaders in the search for peace in South Sudan.

10. In an important development in the intra-SPLM dialogue, the leader of the former detainees, Pagan Amum, returned to Juba on 22 June. The following day, the National Liberation Council of SPLM revoked the decision concerning the dismissal

of SPLM party cadres from their positions within the party and restored Pagan Amum to his former position as Secretary-General of SPLM. The other senior SPLM leaders who had been dismissed from the party, including Riek Machar, were also reinstated in their positions.

11. On 27 June, President Kiir and Riek Machar held a consultative meeting in Nairobi under the auspices of President Kenyatta of Kenya to review elements of the proposed peace agreement. The two principals continued to express considerable differences on the outstanding substantive issues of federalism; power-sharing ratios at national and state levels; transitional security arrangements; governance reforms; and compensation and reparation for victims of atrocities. As agreed at the meeting, they subsequently submitted to President Kenyatta their positions on the contentious issues for further negotiations under an IGAD-plus-led mediation.

12. Following a four-month hiatus in the IGAD-led peace process, the IGAD-plus special envoys held a meeting from 21 to 23 July in Addis Ababa to review the "compromise agreement on the resolution of the conflict in the Republic of South Sudan" proposed by IGAD. The draft agreement includes, inter alia, provisions on the framework of a transitional government of national unity; permanent ceasefire and transitional security arrangements; humanitarian assistance and reconstruction; resource, economic and financial management; transitional justice, accountability, reconciliation and healing; the permanent constitution; and the joint monitoring and evaluation committee. The Secretariat provided technical experts to support my Special Envoy for Sudan and South Sudan, Haile Menkerios, in the IGAD-plus discussions on the transitional security arrangements, justice and accountability and humanitarian aspects of the draft peace agreement.

13. On 24 July, the IGAD special envoys handed over the proposed compromise agreement to the South Sudanese parties in preparation for the resumption of the IGAD negotiations on 6 August in Addis Ababa.

14. On 6 August, the Government, SPLM/A in Opposition and the former detainees resumed negotiations on the compromise peace agreement in Addis Ababa. The main areas of disagreement between the parties pertained to three key issues, namely: (a) the power-sharing arrangements between the President and the First Vice-President; (b) the distribution of positions in the State governments of Jonglei, Unity and Upper Nile States; (c) security arrangements, in particular the process for the integration of the opposition forces into SPLA and the question of the demilitarization of Juba. SPLM/A in Opposition requested that the fourth issue of federalism also be addressed.

15. On 10 August, the Prime Minister of Ethiopia, the President of Kenya and the Minister for Foreign Affairs of the Sudan met at the invitation of Yoweri Kaguta Museveni, President of Uganda, in Entebbe to discuss the peace process, and agreed to collaboratively assist the parties in reaching a peace agreement. The leaders also agreed to jointly meet with the two principals, President Kiir and Riek Machar, in Addis Ababa on 15 August, with a view to resolving the outstanding issues before the IGAD-Plus summit, scheduled for 17 August. On 16 August, after having earlier announced that he would not attend the summit, President Kiir arrived in Addis Ababa.

16. On 17 August, following lengthy consultations between the parties and the leaders of Ethiopia, Kenya, the Sudan and Uganda, SPLM/A in Opposition and the

former detainees signed the compromise peace agreement. The Government decided to only initial the agreement, expressing reservations about some of its provisions, and requested an additional 15-day period for further consultations with its constituencies. The Prime Minister of Ethiopia stated that the Government and SPLM/A in Opposition had also agreed to respect a ceasefire and allow full humanitarian access during the 15-day period granted for the consultations. The members of the African Union High-level Ad hoc Committee decided to sign the agreement. The other members of IGAD-Plus, including the Troika, the European Union and the United Nations, also signed the agreement as witnesses on 18 August, while China had signed the previous day.

Other political developments

17. On 12 May, the National Legislative Assembly passed the 2015 Non-Governmental Organizations Bill, which establishes a regulatory framework for the operations of national and international non-governmental organizations. The President returned the bill for parliamentary scrutiny, following concerns raised by civil society and members of the diplomatic community over the regulatory provisions of the bill.

18. On 8 July, President Kiir addressed the National Legislature to inaugurate the extension of the tenure of the Presidency, the National Legislature and the State Legislative Assemblies from 9 July 2015 to 9 July 2018, and the Constitutional Review Commission from 31 December 2014 to 31 December 2017, in accordance with the Constitutional Amendment Bill adopted on 24 March 2015.

19. With regard to accountability for the serious human rights violations committed during the conflict, on 24 July, the Peace and Security Council of the African Union, at the ministerial level, issued a communiqué on the report of the African Union Commission of Inquiry and the separate opinion submitted by a member of the Commission. The communiqué calls for the Peace and Security Council to establish an ad hoc subcommittee composed of Algeria, Chad, Ethiopia, Nigeria, South Africa, Uganda and the United Republic of to consider the report and the separate opinion and provide its recommendations on the way forward by the third week of August for consideration at the meeting of the Peace and Security Council at the level of Heads of State and Government, to be held at the end of August.

III. Security situation

20. The conflict continued between the Sudan People's Liberation Army (SPLA) and SPLM/A in Opposition and the allied Shilluk militias under the command of Major General Johnson Olonyi, with an intensification of the fighting in the Greater Upper Nile region. Furthermore, rifts within each side became apparent at a press conference held in Nairobi on 1 July, where the Shilluk militia commanded by Major General Johnson Olonyi declared that it had merged with SPLM/A in Opposition. On 21 July, Riek Machar relieved two senior military commanders, Major General Peter Gatdet Yaka and Major General Gathoath Gatkuoth Gaihnyang, of their respective positions as the SPLM/A in Opposition Deputy Chief of General Staff for Operations and Deputy Chief of General Staff for Logistics as part of an "administrative reshuffle". On the same day, in separate orders, Riek Machar

appointed Johnson Olonyi as the Commander of Special Division 1 and Major General James Koang Chuol Ranley as the Deputy Chief of Staff for Operations. The Government focused on retaining control of strategic towns. There has been an escalation in hostilities in the southern part of Unity State, with SPLA and its allied militias conducting major offensives, primarily against SPLM/A in Opposition forces, with severe consequences for the civilian population. The Bahr el-Ghazal region and Western Equatoria State have witnessed a further deterioration in the security situation, with low-intensity fighting between armed groups.

21. In Upper Nile State, Malakal was the epicentre of the fighting between SPLA and SPLM/A in Opposition with its allied Shilluk militias. Between 21 April and 6 July, control of the town changed hands on five occasions. Both sides remained in close proximity to each other along the banks of the Nile River, with numerous skirmishes in Melut, Upper Nile State, and in the vicinity of Malakal airport. On 19 May, during a clash between SPLA and Opposition forces in Melut, the UNMISS base came under fire, resulting in the killing of nine and injury of 11 internally displaced persons.

22. The military offensive by SPLA and allied militias into Opposition-held areas of Guit, Koch, Leer, Mayendit, Rubkona and Panyjar counties, which started in late May, led to a further deterioration in the security and humanitarian situation in Unity State. This involved attacks mainly against civilians, as Opposition fighters had already withdrawn into the bushes and swamps, with widespread reports of cattle raiding, pillaging, the destruction of population centres and documented incidents of grave human rights violations. It also sparked violent tensions between the main communities of Dinka, Nuer and Shilluk internally displaced persons in the UNMISS protection of civilians sites, particularly in Bentiu and Malakal.

23. In Jonglei State, there were reports in mid-May of sporadic clashes between SPLA and SPLM/A in Opposition forces in Pajut, Duk County. By the end of June, SPLA claimed to have assumed control of Pajut, while the Opposition forces remained in the vicinity, with periodic exchanges of shelling between the two sides. On 13 June, an attack by unidentified armed youths on a warehouse in Pochalla resulted in the death of two national humanitarian workers and one national police officer.

24. Western Bahr el-Ghazal State witnessed an upsurge in violence on 31 May, when an unknown armed group reportedly attacked Bazia Payam in Wau County. On 4 June, further clashes occurred in an area west of Bazia. On 7 July, SPLM/A in Opposition forces under General Dau Aturjong attacked Aroyo, Aweil Centre County in Northern Bahr El-Ghazal State, reportedly resulting in the deaths of two police officers. On 9 July, Opposition forces launched another advance into Chelkou Payam in Aweil West County.

25. Intercommunal tensions in the Equatoria region, and Lakes and Warrap States continued to be exacerbated by competition over grazing land for cattle and access to water. Violence between pastoralists and the local population was on an upward trend in the three Equatoria States, following non-compliance with the presidential decree ordering cattle keepers to return to their places of origin in Lakes and Jonglei States. On 22 May, there were widespread clashes between the local population and pastoralists in Mundri West County, Western Equatoria State, resulting in 60 fatalities. On 8 June, pastoralists, who were reportedly supported by SPLA elements from the same ethnicity, engaged in sporadic shootings, killing eight

civilians in Maridi County, Western Equatoria State. As a result of the violence, at least 75,000 civilians are estimated to have been displaced in the State.

26. In Lakes State, intercommunal violence continued over access to pasture and water for cattle, compounded by the cycles of revenge killings between the Dinka Agar subclans. The clashes, which occurred in mid-May, have resulted in over 80 deaths and 40 injuries. From May to July, in Jonglei State, despite significant efforts by the Greater Pibor Administrative Area officials to curb the conflict within its borders and with its neighbours, violence and tensions continued between different Murle age groups within the Area. On 12 July, fighting between the Nyakurmong and Lango groups in Pibor resulted in three people being wounded.

IV. Humanitarian situation

27. As at 31 July, over 1.6 million people were displaced inside South Sudan, and more than 620,000 were refugees in neighbouring countries. Active hostilities and insecurity continued to disrupt the humanitarian response and restrict road, river and air access. On occasions, this forced humanitarian organizations to reduce their staff levels or pause programmes in and around the conflict-affected areas, in particular in southern Unity State and parts of Upper Nile State. Humanitarian deliveries were also constrained by road and river checkpoints and demands for illegal taxation or extortion. Humanitarian facilities have been attacked and looted, and personnel subjected to assaults, threats, harassments, detention, abduction and killings, with at least 29 fatalities among aid workers since 15 December 2013.

28. Despite the increasingly challenging operating environment, humanitarian agencies scaled up the delivery of aid to remote areas. Since the beginning of 2015, humanitarian partners have provided food assistance to more than 2 million people, water sanitation and hygiene services to 1.6 million, health care to 1.1 million, protection services to one million, and education services to 235,000 children and adolescents.

29. The nutrition situation remains above the emergency threshold, with approximately 80 per cent of the counties in Unity, Upper Nile, Jonglei, Northern Bahr el-Ghazal and Warrap States classified at critical nutritional levels. Some 250,000 children are at risk from rapidly worsening nutrition, with one in three children suffering acute malnutrition. According to the Integrated Food Security Phase Classification report endorsed by the Government and released in May, in a country of some 11.6 million people, 7.9 million are expected to face food insecurity, including 3.3 million people in "stressed" food insecurity. Over 4.6 million people are already facing "crisis" and "emergency" levels of food insecurity. The humanitarian situation in Unity State is particularly alarming, as the insecurity prevents access to communities and monitoring the risk of famine among the displaced population.

30. On 23 June, the Government officially declared a cholera outbreak in Juba County. As at31 July, a total of 1,429 cholera cases, including 42 deaths, were reported in Juba and Bor counties in Central Equatoria and Jonglei States, respectively, with a case fatality rate of 2.94 per cent. Health partners conducted a series of oral cholera vaccination campaigns targeting UNMISS protection of civilians sites in Bentiu and Juba to prevent cholera and to complement other measures to improve hygiene and community awareness.

31. The leading causes of illness among internally displaced people were acute respiratory tract infections, followed by malaria, acute watery diarrhoea, acute bloody diarrhoea and suspected measles. Viral leishmaniasis (or kala-azar) continues to be a concern. From January through July, a total of 2,308 cases and 72 deaths (with a case fatality rate of 3.1 per cent) were reported from 15 treatment centres. Partners continue to support enhanced surveillance, case management and interventions to prevent transmission.

32. The escalation of fighting in the Greater Upper Nile region has resulted in the damage and destruction of large numbers of schools, leaving an increasing number of children without access to education. The national Back-to-Learning Initiative, conducted from February to June, aimed to support communities in returning their children to schools and other temporary learning spaces and keeping them there. The initiative targeted out-of-school children and adolescents, including the children associated with the South Sudan Democratic Movement/South Sudan Defence Army (SSDM/SSDA)-Cobra faction, as part of their reintegration into communities. Overall, more than 215,978 children and adolescents (of whom 42 per cent are girls) have been provided with access to learning opportunities.

33. The humanitarian community revised the Humanitarian Response Plan for 2015 in June, taking into account the deepening vulnerabilities and new humanitarian requirements, especially in urban areas, where humanitarian agencies have not commenced operations. The revised plan requires US$ 1.63 billion to assist 4.6 million people with life-saving aid in 2015. On 16 June, over $275 million was pledged at a high-level event in Geneva organized by the European Union and the Office for the Coordination of Humanitarian Affairs. As at 31 July, the plan was funded in the amount of $687 million, leaving a funding gap of nearly $1 billion for 2015.

V. Implementation of the Mission's reprioritized mandated tasks

A. Protection of civilians

34. UNMISS continued to pursue a three-tiered approach to ensure that civilians are protected from the threat of physical violence, with specific protection for women and children, and to deter or respond to violence against civilians. The Mission's early warning mechanism assesses the evolving risks to the civilian population, to enable it to act in a timely and proactive manner.

35. Under tier one, protection through dialogue and engagement, UNMISS continued to work closely with United Nations country team partners and non-governmental organizations to support the resolution of local conflicts. During the period, UNMISS civil affairs teams held 503 meetings with local authorities, community leaders, youth and women, including in Opposition-held territory, to identify conflict threats and mitigation measures. UNMISS also organized 97 conflict management, mitigation and resolution events, including intercommunal dialogue activities and workshops, assisting 4,332 cattle camp youth, community leaders, women and internally displaced persons at UNMISS protection of civilians sites and at other locations to develop conflict management skills and to resolve intercommunal disputes. Likewise, in Lakes State, UNMISS focused on conflict management workshops for cattle keepers in Rumbek Centre and Yirol Counties,

one of the hotspots for intercommunal violence. UNMISS continued to promote conflict resolution in its protection of civilians sites through daily interaction with community leadership, women, youth and other authorities.

36. Under tier two, provision of physical protection, as at 12 August, UNMISS was providing protection to over 189,220 internally displaced persons at six protection of civilians sites, including over 121,194 in Bentiu, 36,149 in Malakal and 28,663 in Juba. The UNMISS protection of civilians site in Bentiu experienced the largest increase of internally displaced persons during the period, numbering some 50,000, while Malakal registered an additional 3,000 internally displaced persons. Threats of violence are an important factor forcing populations to seek refuge in the protection of civilians sites, while increasing food insecurity exacerbates the situation. Approximately 40 per cent of the UNMISS force strength is now dedicated to the protection of these sites.

37. The remainder of force personnel not tasked with administrative, force protection, contingency or protection duties are focused on dynamic protection efforts. UNMISS projected its presence by conducting 8,611 short-duration, 280 long-duration, 33 dynamic air and 630 integrated patrols. In particular, UNMISS is scaling up its protection efforts in Unity State by establishing a security presence in previously inaccessible locations. This will include the establishment of temporary operating bases in order to provide a sense of security to the local populace, while also facilitating conditions for the delivery of humanitarian assistance. From 23 to 28 May, in coordination with the United Nations Mine Action Service (UNMAS), UNMISS undertook "Operation Unity," the first road patrols into the southern counties of Unity State since December 2013.

38. Disturbances in many UNMISS protection of civilians sites, ethnic tensions, youth and gang mobilization, violence, incursions by armed elements and threats against humanitarian and UNMISS personnel (28 UNMISS police have sustained injuries in the protection of civilians sites in Juba, Malakal, Bentiu and Bor) continued to pose considerable challenges. From 8 to 10 May, clashes occurred between the Bul Nuer and Adok clans from the Nuer community in the protection sites in Juba, which resulted in the death of one internally displaced person and injuries to at least 73 others. The UNMISS protection site in Malakal has experienced several incidents of fighting between internally displaced persons from the Shilluk, Nuer and Dinka communities (with some Darfuri citizens having been attacked and their shops looted). Incidents of internally displaced persons being caught in the crossfire and directly targeted by armed elements, in contravention of international humanitarian law, have also been a source of concern.

39. UNMISS continued to administer four holding facilities to detain internally displaced persons who threaten the safety and security of the protection of civilians sites in Bentiu, Bor, Juba and Malakal. As at 31 July, 25 suspects (24 men and one woman) were being held at these facilities, including seven in Juba, nine in Bentiu, five in Malakal and four in Bor. This is a significant reduction compared to the 63 offenders detained in April, as UNMISS revised the procedures for the review of cases of internally displaced persons being held in holding facilities, including through reintegration into the community. UNMISS has also been in discussions with the Government regarding the handover of suspects.

40. UNMAS conducted surveys and explosive ordnances disposal in Melut in Upper Nile State and in Jonglei State. On 3 June, following the fighting between

SPLA and SPLM/A in Opposition in Melut, UNMAS deployed a team to clear two unexploded mortars in the UNMISS base. UNMAS provided mine risk awareness training in the UNMISS protection of civilians sites in Malakal and Bentiu, in Upper Nile and Unity States, respectively. Overall, during the period from 14 April to 31 July, UNMAS released around 6.5 million square metres of land (equivalent to 898 football fields); destroyed 621 landmines, 3,307 explosive remnants of war and 6,635 items of small arms ammunition; and provided risk education to 169,207 civilians (including 55,237 boys and 46,357 girls).

41. Under tier three, in support of the confidence and trust-building policing strategy of the South Sudan National Police Service, UNMISS initiated an integrated sensitization programme for 104 national police personnel, which addressed the issues of community policing, building trust and confidence, human rights, child protection, sexual and gender-based violence and respect for diversity.

42. In June, with UNMISS support, the Central Equatoria State Ministry for Gender and Social Development opened South Sudan's first safe house for survivors of sexual and gender-based violence in Juba, where they will receive counselling and psychosocial support. UNMISS continued to engage in advocacy using Security Council resolution 1325 (2000) as a tool for training women on prevention, participation and protection.

43. Following the issuance of "temporary stay" permits by the Government for foreign nationals residing at one of the UNMISS protection of civilians sites in Juba, UNHCR has supported several foreign national representatives in visiting Makpandu Refugee Camp in Yambio, Western Equatoria State, ahead of a planned relocation of the 578 foreign nationals remaining in the Juba site.

B. Human rights monitoring and reporting

44. UNMISS continued to investigate reports of violations of international human rights and humanitarian law, as well as human rights abuses. During the reporting period, UNMISS interviewed over 200 displaced civilians, allegedly victims of and witnesses to human rights violations perpetrated mostly by SPLA forces with the support of armed militias or armed youth within the context of surge operations in Unity State commenced in April. Following initial interviews, UNMISS released a press statement on 11 May, indicating concerns over continuing and consistent reports of the burning of towns and villages, killings, the abduction of males as young as 10 years old, the rape and abduction of girls and women and the burning of people alive in their homes.

45. On 29 June, UNMISS released a flash human rights report, which documented the human rights violations perpetrated as fighting escalated in the Greater Upper Nile region in April and May. The occurrence of sexual violence, including rape, gang rape and abductions, has significantly increased during the recent upsurge in fighting. At least 172 women and girls were reportedly abducted and 79 subjected to sexual violence, including gang rape, with several subsequently being shot dead or burnt alive in their tukuls in Unity State. Additionally, dozens of children were reportedly killed, raped and abducted during April and May. At least 93 women, mainly Shilluk, were reportedly abducted by SPLA soldiers in Upper Nile State. There have been several reports of sexual violence and extortion against women and girls at military checkpoints as they were leaving the UNMISS protection of

civilians sites for livelihood activities, such as gathering food and firewood. Women have also been subjected to sexual exploitation, including inside the protection of civilians sites, reportedly by male internally displaced persons.

46. These attacks resulted in the forced displacement of thousands of civilians, many of whom have been deterred from seeking refuge in the UNMISS protection of civilians site in Bentiu, Unity State, owing in part to the existing SPLA defence cordon around Bentiu and Rubkona and SPLA checkpoints in the vicinity of the site. Another surge in fighting in mid-June led to human rights violations similar to those documented after the beginning of the offensive.

47. UNMISS continued to follow up on cases of alleged human rights violations, including inside the UNMISS protection of civilians site in Malakal, Upper Nile State. Intercommunal violence at the site increased when Malakal came under the control of Major General Olonyi's Shilluk forces, with UNMISS receiving allegations of abductions and extrajudicial killings of Dinka men outside the protection of civilians site. When the Government regained control of Malakal, several members of the Shilluk community were targeted. UNMISS continues to investigate cases of alleged killings and abductions. Overall, UNMISS has obtained credible reports of the abduction of at least 50 civilians near the protection of civilians site in Malakal, mostly by SPLA elements.

48. Owing to the upsurge in violence in Unity and Upper Nile States, a total of 279 incidents affecting 5,995 children were reported. These included 60 verified incidents of killing (affecting 97 boys, 54 girls and 32 children of unknown sex) and an additional 27 unverified incidents (affecting 43 boys, 33 girls and 25 children of unknown sex); 34 verified incidents of recruitment and use of children (affecting 289 boys and 3 girls), with 9 additional unverified incidents (affecting 418 boys); 13 verified attacks on or military use of schools and 2 additional unverified cases; 6 verified attacks on and military use of hospitals, with 5 additional unverified cases; 33 verified incidents of rape (affecting 4 boys and 92 girls), with an additional 7 unverified incidents (affecting 84 girls); 23 verified incidents of abduction (affecting 23 boys, 53 girls and 2 children of unknown sex), with nine unverified incidents (affecting 73 boys, 11 girls and 102 children of unknown sex); and 19 incidents of denial of humanitarian access, with an additional 4 unverified cases.

49. To date, the SSDM/SSDA-Cobra faction troops in the Greater Pibor Administrative Area released a total of 1,755 (including 5 girls) of an estimated 3,000 children. The children were screened, registered, released and reintegrated within the context of a joint programme by the National Disarmament, Demobilization and Reintegration Commission, UNMISS, UNICEF and partners. To date 6,199 children and adolescents have access to learning in the five targeted sites in Pibor. Advocacy efforts for the release of the remaining children continue.

50. A joint school assessment project by the United Nations and SPLA conducted in April identified 45 schools under the military use by both parties to the conflict. SPLA and allied forces have vacated 26 schools in Central Equatoria, Eastern Equatoria, Jonglei, Lakes and Upper Nile States. Owing to the insecurity and fighting, the Mission has not been able to access or verify schools being held by SPLA in Opposition. With 11 additional incidents of military use of schools having been documented since the outbreak of the conflict, a total of 30 schools are presently under military use. In addition, nine schools were reportedly attacked

during the military offensive in Unity State in May and are currently not being used, while one additional school was temporarily used for military purposes in Western Equatoria State.

51. In a positive development, on 30 April, South Sudan acceded to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and the Convention on the Rights of the Child.

52. In terms of accountability, SPLA reported, in its initial report on the revised action plan and recommitment agreement for ending grave violations against children, dated 4 May, that two SPLA soldiers were detained and charged for sexually abusing two girls, aged 9 and 13, in Basilia in Western Bahr el-Ghazal State.

53. Continuous challenges to the administration of justice in accordance with international human rights standards persist given the collapse of justice institutions in the context of the current crisis.. Prolonged and arbitrary detentions were observed throughout the country, attributable to several causes, including the ongoing conflict, lack of infrastructure and case backlogs. In the Greater Pibor Administrative Area, in the absence of a statutory judge, 15 of those detained at the prison on serious charges had not been brought to court. In Lakes State, two members of the legislative assembly have remained in detention for months awaiting trial.

54. In Central Equatoria State, the refusal by the Juba Main Prison to admit new detainees owing to the absence of space, and a reported decision by the court not to receive new cases owing to backlogs, contributed to prolonged detention and overcrowding at police detention facilities. UNMISS also noted an increase in the number of women held in various detention cells in South Sudan, totalling 31 in June 2015.

55. While UNMISS received fewer reports of harassment and intimidation of journalists by security personnel, there were at least two cases of harassment directly related to reporting on fighting in Unity and Upper Nile States. Meanwhile, the chair of the Association for Media Development in South Sudan, who is also the editor-in-chief of the *Juba Monitor*, relayed procedural concerns about the appointment of members of media regulatory bodies, determined by presidential decree and announced on 13 May.

C. Creating the conditions for delivery of humanitarian assistance

56. The delivery of humanitarian assistance is faced with unpredictable challenges, particularly in the greater Upper Nile region, stemming from the risk of becoming caught in crossfire, difficulties in obtaining flight and river safety assurances and restricted movement due to the rains. UNMISS continued to work with humanitarian partners to assess operational logistics and implement contingency plans. Mission engineers conducted maintenance operations of road networks, which, coupled with enhanced inter-agency information-sharing on road conditions, has improved the mobility of humanitarian and UNMISS convoys. A

total of 7,482 force protection tasks were undertaken to protect road convoys, barges and humanitarian activities during the reporting period.

57. UNMAS continued to play a key role in creating conditions for the delivery of humanitarian assistance through surveys, route assessments and mine clearance of 250 km of roads in Jonglei, Unity and Western Bahr el-Ghazal States.

58. UNMISS continued to support the International Organization for Migration in constructing extensions of the protection of civilians sites in Bentiu and Malakal, through the provision of materials, fuel and transportation of cargo when feasible. UNMISS also provided humanitarian partners with physical protection, office space, warehousing and accommodation in its premises in Bentiu in Unity State, Bor in Jonglei State and Malakal in Upper Nile State.

D. Supporting the implementation of the cessation of hostilities agreement

59. In addition to logistics and life support provided under bilateral arrangements, UNMISS continued to assist the IGAD Monitoring and Verification Mechanism through the IGAD Joint Technical Committee in Juba. This included the provision of force protection and logistics and administrative support services (accommodation, transport, water, food, fuel, electrical power and medical cover) to the IGAD Monitoring and Verification Teams co-located at UNMISS bases.

60. From their deployment in March 2014 through 31 July 2015, the IGAD Monitoring and Verification Teams investigated a total of 46 incidents, which amounted to violations of the Agreement on Cessation of Hostilities of 23 January 2014. Of these, 19 violations were attributed to Government forces, 23 to SPLM/A in Opposition and 4 to both parties. IGAD teams carried out several investigations in most counties of Unity State, as well as in Malakal and Melut, Upper Nile State. All these resulted in violations being issued against the two parties.

VI. Mission staffing and status of deployment of surge capacity

61. As at 31 July, the actual strength of the UNMISS civilian personnel stood at 2,335, including 765 international staff members, 1,173 national staff members and 397 United Nations volunteers. The civilian staffing review was completed in 2014 and there have been no further adjustments. As at 31 July, the UNMISS police strength stood at 1,033 of the authorized 1,323 officers, including 500 individual police officers, 53 correctional officers and 480 personnel in formed police units. The induction of the formed police unit from Nepal was completed on 9 May. The Mission expects to reach its full capacity of formed police unit personnel in August with the arrival of the remaining two units from Ghana and Rwanda, which has been delayed owing to issues connected with the arrival of contingent-owned equipment and clearances from the Government of South Sudan.

62. As at 31 July, the UNMISS troop strength stood at 11,546 military personnel. Of the 5,500 surge troops, 4,713 have been deployed. The deployment of the Force Marine Unit from Bangladesh and the Aviation (Medium Utility Helicopter) Unit from Sri Lanka was completed on 11 May and 22 June, respectively. The deployment of the remaining 400 troops from Ghana and 280 troops from Kenya

has been postponed owing to challenges with contingent-owned equipment deployment. The Ghanaian Battalion's equipment is ready for deployment, but has been delayed owing to the poor road conditions to Bentiu and clearances pending from the Government of South Sudan. The deployment timelines for the remaining troops from Kenya will be determined by the readiness of contingent-owned equipment and timelines for obtaining the necessary clearances from the Government of South Sudan. The deployment of five tactical helicopters from Ethiopia and Rwanda was cancelled following the written objection of the Government of South Sudan. Ongoing delays in the deployment of contingent-owned equipment across the Mission continue to hamper operations for the units already in the mission area.

63. UNMISS continued to raise awareness of its personnel and the local population, particularly those seeking protection in UNMISS protection of civilians sites, of the United Nations zero-tolerance policy on sexual exploitation and abuse. Additionally, UNMISS is in the process of implementing initiatives in connection with my report on special measures for protection from sexual exploitation and abuse (A/69/779).

VII. Violations of the status-of-forces agreement, international humanitarian law and security of United Nations staff

64. During the reporting period, UNMISS recorded a total of 102 violations of the status-of-forces agreement. Of these, 59 were restrictions on UNMISS movement, affecting land, air and river operations. Other violations included threats to UNMISS personnel and premises, including protection of civilians sites, attacks on UNMISS barges, assault and harassment of UNMISS personnel, illegal entry into UNMISS premises, unwarranted arrest and detention, interference with the UNMISS protection of civilians mandate, search and confiscation of UNMISS property, impoundment of UNMISS vehicles and demand for payment of taxes. It is of concern that 92 of the reported violations were perpetrated by government security forces, including SPLA, the national police and the national security service.

65. In three incidents, on 29 April, 7 May and 27 July, SPLA soldiers fired shots into the air in close proximity to the UNMISS base and protection of civilians site in Bentiu, Unity State, resulting in the injury of five persons seeking protection there. On 5 July, two SPLA soldiers reportedly entered the same site in Bentiu, shooting and killing one person. On 15 May, an UNMISS military officer was wounded by a stray bullet fired by a SPLA soldier in Rumbek in Lakes State, while engaged in celebratory firing. On 19 May, during heavy fighting between SPLA and SPLM/A in Opposition in Upper Nile State, approximately 20 artillery shells and stray bullets landed inside the UNMISS protection of civilians site in Melut, killing nine internally displaced persons and injuring 11 others. On 28 May, as a result of some SPLA soldiers carrying out intermittent small arms firing in close proximity to the UNMISS base in Malakal, three internally displaced persons and one UNMISS military personnel sustained gunshot wounds from stray bullets. On 27 June, SPLA soldiers fired some 15 to 20 rounds at an UNMISS barge approximately 21 kilometres north of Bor town. On 9 July, SPLA attacked an UNMISS barge convoy with rocket-propelled grenades and heavy machine guns south of Malakal,

rendering the engine and communication equipment of the barge temporarily inoperable.

66. SPLM/A in Opposition was responsible for nine security incidents during the reporting period, including restrictions on UNMISS land, river and air movement, attacks on an UNMISS protection of civilians site and threats to UNMISS personnel and premises. On 1 July, SPLM/A in Opposition and General Olonyi's Shilluk militia opened fire on internally displaced persons at the UNMISS protection of civilians site in Malakal. One civilian was killed and another eight were injured.

67. As a direct effect of the deteriorating security situation due to armed conflict in Upper Nile State, the United Nations approved the temporary relocation of personnel on 22 May from Melut in Upper Nile State to Juba, Central Equatoria State. On 3 July, the United Nations evacuated staff from Malakal in Upper Nile to Juba, some of whom have since returned to Malakal. Most of the threats and associated risk against United Nations personnel and assets, however, emanate from the protection of civilians sites. Regular perimeter breaches, including the smuggling of weapons into the sites and violence among internally displaced persons, constitute a direct threat for United Nations personnel and assets within these sites. Most of the sites, owing to their size and large number of inhabitants and limited mission resources, cannot effectively be policed. In the protection of civilians sites in Juba, internally displaced persons have entered United Nations premises where staff work and reside on several occasions.

68. As at 5 August, three UNMISS national staff members arrested in August and October 2014 remained under detention at the National Security Service headquarters in Juba. During the Mission's most recent visit to check on their welfare, the staff members stated that no further investigations had been conducted since April and no charges had been filed against the personnel.

69. UNMISS has continued to engage with, and notify the host Government on a regular basis of these violations and their negative effects on UNMISS, its operations and the safety of its personnel and premises. A monthly matrix of incidents is also shared with the Government. However, to date, UNMISS has only been informed of action taken with regard to the 27 June shooting incident targeting an UNMISS barge, including the arrest of the commander of the SPLA Riverine Detachment. The Mission is yet to be informed of the outcome of investigations into the other incidents outlined above.

VIII. Financial aspects

70. The General Assembly, by its resolution 69/260 B of 25 June 2015, appropriated the amount of $1,139,520,000 for the period from 1 July 2015 to 30 June 2016. As at 4 August 2015, unpaid assessed contributions to the UNMISS Special Account amounted to $676.1 million. Total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $4,802.4 million. As at 4 August 2015, reimbursement to contributing Governments for troop and formed police costs and contingent-owned equipment costs had been made for the period to 28 February 2015 and 31 December 2014, respectively, in accordance with the quarterly payment schedule.

IX. Observations and recommendations

71. The security and humanitarian situation in South Sudan remains of grave concern, particularly the unprecedented levels of violence inflicted on the population. The conflict has resulted in the internal displacement of over 2 million people, forced 201,911 internally displaced persons to seek protection in UNMISS bases as at 19 August, and caused a severe humanitarian crisis, with 40 per cent of the population facing crisis and emergency levels of food insecurity. I am deeply concerned by the steep increase in the number of civilians seeking refuge in the protection of civilians sites, escaping from the ongoing violence and a catastrophic humanitarian situation.

72. Beginning in late April, the country witnessed a surge in large-scale fighting between SPLA and SPLM/A in Opposition and allied militia forces over control of key areas in Upper Nile State, including Malakal and Melut, as well as the oilfields in Paloich in Upper Nile State and in southern Unity State. I strongly condemn this escalation of violence, which violates the cessation of hostilities agreement signed by the warring parties on 23 January 2014, and the killing of hundreds of innocent civilians.

73. The clear preference by South Sudanese leaders to pursue a military option instead of an inclusive political settlement has resulted in profound suffering for millions. The increase in violence has once again demonstrated the absence of a genuine commitment by the parties to end the current conflict. I have repeatedly called upon President Salva Kiir Mayardit and former Vice-President Riek Machar to display statesmanship and make the compromises necessary for an inclusive and comprehensive peace agreement. The leaders bear the primary responsibility for the violence and for the serious human rights violations and abuses committed in this senseless, ruinous war. The horrific fact that women and children are being deliberately targeted, with countless incidents of sexual violence, including gang rapes, abductions, killings, arson and displacement, is totally unacceptable. It must stop now.

74. The culture of impunity in South Sudan must end, and the perpetrators of war crimes, crimes against humanity and genocide must be held to account. Justice and accountability are a requirement for any peace agreement to be sustainable and to break the cycle of violence. In this regard, I again urge the African Union to release the findings of the report of the African Union Commission of Inquiry and to support the establishment of criminal accountability mechanisms, including the option of a hybrid court.

75. I am particularly disturbed by the continued access challenges faced by humanitarian and peacekeeping personnel, as well as the insecurity and violence, including physical assault, harassment, threats, arrest, detention and abductions, that they face while carrying out their duties. In this respect, I am deeply concerned about the Government actions targeting United Nations officials. On 1 June, I issued a statement condemning the Government's decision of 29 May to declare my Deputy Special Representative, Toby Lanzer, persona non grata, and called upon the Government to immediately reverse its decision. The Government's refusal to reconsider the expulsion of Mr. Lanzer is yet another indication of its disregard for the suffering of its people and contempt for those who work to bring them essential humanitarian services.

76. I call upon the Government to adhere to its obligations under the status-of-forces agreement and on the parties to the conflict to ensure unfettered freedom of movement and humanitarian access for UNMISS and humanitarian workers. I also urge both parties, in particular the Government, which has the primary responsibility to protect civilians, to establish a secure environment for civilians and create the conditions necessary for the voluntary return of internally displaced persons. I also appeal to the Security Council to call upon the Government and the opposition to abide by the status-of-forces agreement in granting unrestricted access to the United Nations and humanitarian partners.

77. UNMISS continues to make every effort to implement its protection of civilians mandate under Security Council resolution 2223 (2015) and extend its reach beyond UNMISS bases to provide protection to the hundreds of thousands of vulnerable civilians throughout South Sudan. In this regard, I renew earlier calls for troop-contributing countries to expeditiously deploy the remaining surge capabilities and military equipment, which are critical to enable UNMISS to effectively deliver on its mandate. UNMISS continued to experience delays in obtaining necessary clearances from the Government of South Sudan for troop deployments and internal relocations, as well as for the deployment of contingent-owned equipment, affecting the efforts to deploy all mandated surge troops. I regret that the Government rejected the much-needed deployment of tactical helicopters. I urge the Government of South Sudan to extend its full cooperation to the deployment of the remaining troops and assets, which will help the Mission to provide wider and more effective protection to civilians under threat of violence.

78. I welcome the signing by Riek Machar and the former detainees of the IGAD compromise peace agreement. I have taken note that President Kiir initialled it with some reservations. I strongly hope that he will sign the agreement by the end of 15-day deadline set by IGAD.

79. I am disappointed that the Heads of State and Government summit did not culminate in the signing of the agreement by all the parties. However, I am encouraged by the regional and international consensus in support of the agreement, which the United Nations also signed as a witness.

80. Time is of the essence. The situation on the ground is highly charged and unpredictable. Every day that passes without an agreement prolongs the suffering of the South Sudanese people and increases the risk of a large-scale resumption of the fighting. It is critical that South Sudan's regional and international partners act collectively to ensure that the parties who have signed remain committed to the agreement and that the Government comes on board by 1 September. The consequences of failing to reach a negotiated settlement would be catastrophic for South Sudan and the region as a whole.

81. The United Nations stands ready to work with the parties, IGAD, the African Union and other international partners to finalize the agreement and move swiftly towards its implementation. It is my intention to convene a high-level summit on the situation in South Sudan on the margins of the General Assembly this September, to collectively support the peace process and speak with one voice.

82. Finally, I wish to express my sincere appreciation for the tireless courage of UNMISS personnel, who, under the able leadership of my Special Representative, Ellen Margrethe Løj, continue to work to protect tens of thousands of civilians under threat of physical violence and to stabilize the security situation. In particular, I thank the troop- and police-contributing countries that have provided much-needed uniformed personnel and assets to the Mission. I also commend the personnel of the United Nations country team and non-governmental organization partners for their assiduous efforts to provide much-needed humanitarian assistance to the population, often in perilous circumstances.

UNMISS
August 2015
SOUTH SUDAN
SUDAN
ETHIOPIA
KENYA
UGANDA
CENTRAL AFRICAN REPUBLIC
DEM REP OF THE CONGO
Juba
Kadugli
Damazine
Nuba Mts
Abyei
Bentiu
Malakal
Bor
Wau
Yambio
Torit
Kuajok
Rumbek
Yei
Maridi
Aweil
Pibor
Akobo
Nasir
Melut
Renk
Kodok
Ulang
Pochalla
Kaka
Mongalla
Gumbo
Tambura
Raja
Kiir Adem
Mapel
Nimule
Lasu
Kajo Keji
Lainya
Morobo
Source: UNMISS
Map No. 4265 Rev. 19 UNMISS
August 2015 (Color)
Nuba Mts
Abyei
Bentiu
Malakal
Bor
Wau
Yambio
Torit
Kuajok
Rumbek
Yei
Maridi
Aweil
Pibor
Akobo
Nasir
Melut
Renk
Kodok
Ulang
Pochalla
Kaka
Mongalla
Gumbo
Tambura
Raja
Kiir Adem
Mapel
Nimule
Lasu
Kajo Keji
Lainya
Morobo
Juba
Kadugli
Damazine
National capital
State/region capital
Town
Major airport
International boundary
UNMISS operational northern limit
State/region boundary
Sector boundary
Abyei region**
Main road
Railroad
0
100
200 km
0
100 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined
** Final status of the Abyei area is not yet determined
Cartographic Section

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Letter dated 21 August 2015 from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) addressed to the President of the Security Council

The members of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) have the honour to transmit herewith, in accordance with paragraph 18 (d) of resolution 2206 (2015), the interim report on their work.

The report was provided to the Security Council Committee established pursuant to resolution 2206 (2015) on 31 July 2015 and considered by the Committee on 20 August 2015.

The Panel would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Payton **Knopf**
Coordinator
Panel of Experts on South Sudan established
pursuant to Security Council resolution 2206 (2015)

(*Signed*) Andrews **Atta-Asamoah**
Expert

(*Signed*) Ann **Oosterlinck**
Expert

(*Signed*) Lucas **van de Vondervoort**
Expert

15-13040 (E) 240815

Please recycle

Interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015)

Summary

In the 10 weeks since it began its work, the Panel of Experts on South Sudan has travelled extensively within South Sudan and to Ethiopia, Kenya, the Sudan and Uganda. Throughout, the Panel has consulted the parties prosecuting the war and those most affected by it, including internally displaced persons, tribal and community leaders, civil society organizations, humanitarian actors and peacekeepers. The report represents the preliminary findings of that research.

Since the adoption of resolution 2206 (2015) by the Security Council, the situation in South Sudan has deteriorated precipitously, posing a significant threat not only to the country's citizens but also to the peace and security of the entire region.

Both the humanitarian and human rights situation and the environment for humanitarian and peacekeeping operations continue to worsen rapidly. Since March 2015, an additional 100,000 people have been displaced within the country, bringing the total number of internally displaced persons to more than 1.6 million. The number of people facing severe food insecurity has almost doubled since the beginning of 2015 to an estimated 4.6 million, including 250,000 children who are severely malnourished — the highest numbers since the war began.

Since the offensive in the greater Upper Nile area began in April 2015, the intensity and brutality of the violence aimed at civilians are hitherto unseen, even in what has already been, without a doubt, an exceedingly violent conflict. Some 750,000 people have been affected by the recent military campaign in Unity State alone, and the Office for the Coordination of Humanitarian Affairs reports that at least 138,000 of those who were receiving humanitarian assistance before the upsurge of violence are now without that assistance owing to insecurity. The actual number is likely to be significantly higher.

Obstruction of humanitarian assistance and of peacekeeping operations has also escalated since the adoption of resolution 2206 (2015). Humanitarian workers and United Nations Mission in South Sudan personnel alike are regularly being attacked, assaulted, harassed, detained, intimidated and threatened. In May 2015, humanitarian actors reported the same number of access-related incidents as the preceding two months combined. All parties to the conflict have been reported to divert humanitarian assistance, including by stopping humanitarian convoys at checkpoints and extorting money in exchange for safe passage or to permit the utilization of the roads. The relentless violations of the Mission's status-of-forces agreement and movement restrictions have been devastating for the Mission's operations and its ability to execute its mandate to protect civilians under Chapter VII of the Charter of the United Nations.

All parties to the conflict have been targeting civilians as part of their military tactics and thereby contravening applicable international humanitarian law, as referenced in resolution 2206 (2015). Scores of civilians have been killed, maimed, tortured, burned alive inside their homes, displaced, raped and abducted, and

children have been recruited and used as part of the war effort. The Panel is investigating the chain of command pertaining to those serious crimes.

The supply of arms and ammunition to the Sudan People's Liberation Army and the Sudan People's Liberation Movement/Army in Opposition, as well as to affiliated forces, has been instrumental in prolonging and escalating the war. It is further clear that the acquisition by the Sudan People's Liberation Army of greater air and riverine capacity is part of a strategy to diminish the tactical disadvantage posed by the difficulty of deploying troops and heavy equipment during the rainy season, which could have a substantial impact on the dynamics on the ground. The Panel will continue to examine those transfers, including their sources and the trafficking networks behind them, together with their impact on the war and their role in violations of human rights and international humanitarian law.

The Panel has also begun investigations into the financing channels used by the Government and the opposition to prosecute the war and into those individuals and entities who gain financially from the continuation of the conflict. The Panel will report its findings in forthcoming updates to the Security Council in the context of the sanctions designations criteria established in resolution 2206 (2015).

In the coming weeks, the Security Council will have to consider the application of resolution 2206 (2015) in the context of two possible scenarios. First, should the parties fail to sign the compromise agreement on the resolution of the conflict in South Sudan recently proposed by the Intergovernmental Authority on Development, by 17 August, an assessment of responsibility for that failure and swift action commensurate with that responsibility will be critical. Second, should the parties sign an agreement, the prevailing issue will be not only the implementation of that agreement and an end to the violence, but also the promotion of national reconciliation and a durable and inclusive political settlement for South Sudan, including ensuring accountability for serious crimes committed throughout the war. Resolution 2206 (2015) foresees a role for sanctions under either scenario.

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I. Background

A. Mandate and appointment

1. By its resolution 2206 (2015), the Security Council imposed a sanctions regime targeting individuals and entities contributing to the conflict in South Sudan and established a sanctions committee (Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan). The Committee designated six individuals on 1 July.

2. In establishing the sanctions regime, the Security Council decided that the sanctions, consisting of a travel ban and an asset freeze, would apply to individuals and/or entities, as designated by the Committee, as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies threatening the peace, security or stability of South Sudan.

3. The Security Council also established a panel of experts (Panel of Experts on South Sudan) to provide information and analysis regarding the implementation of the resolution. This includes information relevant to potential designations and information regarding the supply, sale or transfer of arms and related materiel and related military or other assistance, including through illicit trafficking networks, to individuals and entities undermining political processes or violating international human rights law or international humanitarian law.

4. On 27 April, the Secretary-General, in consultation with the Committee, appointed the five members of the Panel (see S/2015/287): a natural resources and finance expert (Andrews Atta-Asamoah of Ghana), a regional affairs expert (Payton Knopf of the United States of America), a humanitarian affairs expert (Anna Oosterlinck of Belgium), an arms expert (Lucas van de Vondervoort of the Netherlands) and an expert on armed groups (Vladimir Zhagora of Belarus).[1]

5. The Panel began its work on 18 May with a week of introductory meetings in New York. It has since maintained a near-permanent presence in the region, including visits to 6 of the 10 states of South Sudan and to neighbouring countries, including Ethiopia, Kenya, the Sudan and Uganda.

6. In the 10 weeks since it began its work, the Panel has engaged with the widest range of stakeholders involved in or affected by the conflict, including the senior leadership of the Government of South Sudan, including the Sudan People's Liberation Army (SPLA); the leaders of the Sudan People's Liberation Movement/Army in Opposition (SPLM/A in Opposition); the G-10/"former detainees";[2] displaced persons, including those in United Nations protection of civilian sites in South Sudan; civil society and community representatives; tribal leaders; regional organizations, including the African Union Commission and the Intergovernmental Authority on Development (IGAD); the leadership of the United

[1] Mr. Zhagora's term ended on 16 July. The Panel is extremely grateful for his contribution to the initial phase of its work, including to the present report, and for his advice and counsel going forward.

[2] The G-10/"former detainees" are senior government officials arrested by the Government in connection with the events in Juba on 15 December 2014. They are Deng Alor, Pagan Amun, Oyay Deng, Cirino Hiteng, John Luk Jok, Kosti Manibe, Gier Chuang Aluang, Madut Biar, Chol Tong Mayay and Majak D'Agoot.

Nations Mission in South Sudan (UNMISS); the Office of the Special Envoy of the Secretary-General for the Sudan and South Sudan; United Nations humanitarian agencies; and international and national humanitarian and other non-governmental organizations.

7. The findings contained herein are preliminary and do not provide conclusive details on all the investigations that the Panel has initiated pursuant to its mandate. The Panel will provide more complete information on the outcome of the investigations in its monthly updates to the Security Council and in its final report.

B. Methodology

8. While established by the Security Council, the Panel is an independent body that operates in an objective, fact-based manner and safeguards its work against any effort to undermine its impartiality or create a perception of bias. The full Panel approved the text, conclusions and recommendations contained herein on the basis of consensus before the report was transmitted to the Chair of the Committee.

9. In the light of the politicized context of the conflict in South Sudan, the Panel is fully committed to ensuring compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report of December 2006 (S/2006/997). Those standards call for reliance on verified, genuine documents, concrete evidence and on-site observations by experts, including photographs wherever possible. The Panel corroborates information using multiple independent sources to appropriately meet the highest evidentiary standard, placing a higher value on statements by principal actors and first-hand witnesses to events.

10. The Panel conducts its work with the greatest transparency possible while, when requested, maintaining the confidentiality of its sources. The Panel is also committed to the highest degree of fairness and will give relevant parties the opportunity, where appropriate and possible, to review and respond to, within a specific period, any information in its report citing those parties.

C. Cooperation with stakeholders and organizations

11. While it operates independently of United Nations agencies and institutions, the Panel would nonetheless like to express its sincere appreciation to the leadership and personnel of UNMISS, the Office of the Special Envoy of the Secretary-General for the Sudan and South Sudan and other United Nations staff in Addis Ababa, Kampala, Khartoum and Nairobi for their invaluable administrative support throughout the first phase of the Panel's mission.

12. As at 31 July 2015, the Panel had sent 16 items of official correspondence to nine States, organizations and other entities and had received 10 replies providing the information requested (see annex I).

II. Political and economic context of the conflict

13. The adoption by the Security Council of resolution 2206 (2015) under Chapter VII of the Charter of the United Nations was predicated on an assessment that the crisis in South Sudan posed a threat to international peace and security. Since the adoption of the resolution, the situation has deteriorated precipitously. As at the time of submission of the present report to the Committee (31 July 2015), the war had affected all 10 states of South Sudan, posing a significant threat not only to its citizens but also to the peace and security of the entire region.

A. Conflict overview

14. The elite power struggle that precipitated the current conflict has evolved into a multi-faceted war that increasingly includes, but is not limited to, large-scale inter-ethnic and intra-ethnic violence. Fighting between SPLA and SPLM/A in Opposition, as well as their affiliated militias, affects Upper Nile, Unity and Jonglei States. The conflict has now also spread to Northern Bahr El Ghazal and Western Bahr El Ghazal States, albeit of lesser intensity and in relatively smaller geographic areas. Traditional sources of intracommunal violence rooted in the competition for water, grazing grounds and cattle have also re-erupted, affecting Warrap and Lakes States in particular. The latter has further experienced an intensification of conflict within subtribes. In addition, long-standing catalysts of violence have re-emerged in the greater Equatoria region (Eastern Equatoria, Western Equatoria and Central Equatoria States, including in and around the national capital, Juba) as a result of SPLA-supported nomadic herders claiming access to pastures and settlements in areas traditionally populated and used by indigenous sedentary populations.

15. In the context of the current crisis, the National Legislative Assembly, which no longer includes members affiliated with SPLM/A in Opposition, adopted a constitutional amendment on 24 March by which it extended the tenure of the President, the National Legislative Assembly and the state legislative assemblies by three years, until 9 July 2018. Similarly, the mandate of the National Constitutional Review Commission was extended until 31 December 2017. The opposition has rejected those decisions as unconstitutional.

B. Regional context

16. The countries neighbouring South Sudan have responded to the war with both military and political means.

17. On 20 December 2013, the Ugandan army deployed at least one company to Juba to secure the airport and, according to Uganda, to evacuate Ugandan citizens. Its intervention subsequently deepened, beginning with the dispatch of reinforcements to repel an opposition advance on Juba early in January 2014 and later to include a primary role in the offensive to dislodge the opposition from Bor, Jonglei State, in mid-January 2014. According to the Ugandan army, one brigade remained deployed in South Sudan as at July 2015. As the Panel heard at first hand from a wide range of interlocutors in various parts of the country, that deployment and, more generally, the role of Uganda in South Sudan since December 2013 have become a toxic political issue among the Nuer population in particular.

18. Regional political intervention has been more diffuse. To a large extent, the dynamic is symptomatic of bilateral tensions among several of the States immediately neighbouring South Sudan, in addition to other nearby States, which share a common concern regarding the threat that the meltdown of South Sudan poses to their national security interests but less of a common agenda or approach for tackling that threat. The latter is due both to long-standing rivalries between regional States, such as between the Sudan and Uganda, and to differing views among neighbouring States about which leadership configuration in South Sudan will best serve their individual political and economic interests.

C. Political process

19. In late 2013, IGAD launched a mediation process fundamentally premised upon — and frequently stalled by disagreements over — a power-sharing arrangement between the President, Salva Kiir, the former Vice-President and leader of SPLM/A in Opposition, Riek Machar, and their respective supporters.[3] The arrangements have characterized the governing structure of South Sudan from independence to December 2013 and, more or less, the structure of the Sudan People's Liberation Movement (SPLM) from at least 2002.

20. Attempts to reinvigorate the political process after negotiations stalled in March led to adjustments to the mediation architecture to expand the involvement of regional States and the wider international community. They included the appointment of the former President of Mali, Alpha Oumar Konaré, as the African Union High Representative for South Sudan; the establishment of an African Union high-level ad hoc committee for South Sudan, consisting of Heads of State representing various subregions of the continent; and the launch of an "IGAD plus" format, composed of the States members of IGAD, the members of the African Union High-level Ad Hoc Committee for South Sudan, the African Union Commission, the Troika,[4] the United Nations, the European Union and China.

21. Somewhat in parallel, the United Republic of Tanzania, South Africa, Kenya and Ethiopia undertook an effort to converge the IGAD mediation efforts and the "Arusha process". Launched in 2014 by Chama Cha Mapinduzi, the ruling Tanzanian political party, and the African National Congress, the ruling South African political party, without coordination with IGAD, the Arusha process had resulted in the signing, in January 2015, of an agreement on SPLM reunification by the President of South Sudan, Riek Machar and Deng Alor (on behalf of the G-10/"former detainees") and ultimately in two visits by representatives of the G-10 to Juba and the reinstatement of Pagan Amum as Secretary-General of SPLM.

22. On 24 July, the IGAD mediation team, backed by the "IGAD plus" group, presented the parties with a proposed compromise agreement on the resolution of the conflict in South Sudan. Consistent with the timeline established by the mediation team, the parties are to reconvene in Addis Ababa on 5 August for talks leading to the signing of an agreement by 17 August.

[3] The IGAD mediation is led by three special envoys: Seyoum Mesfin Gebredingel of Ethiopia, Muhammad Ahmad Mustafa al-Dabi of the Sudan and Lazaro Sumbeiywo of Kenya.

[4] The Troika consists of the United States, the United Kingdom of Great Britain and Northern Ireland and Norway, which were among the guarantors of the Comprehensive Peace Agreement of 2005.

23. In the coming weeks, the Security Council will have to consider the application of resolution 2206 (2015) in the context of two possible scenarios. First, should the parties fail to sign the compromise agreement by 17 August, an assessment of responsibility for that failure and swift action commensurate with that responsibility will be critical. Second, should the parties sign an agreement, the prevailing issue will be not only the implementation of that agreement and an end to the violence, but also the promotion of national reconciliation and a durable and inclusive political settlement for South Sudan, including ensuring accountability for serious crimes committed throughout the war. Resolution 2206 (2015) foresees a role for sanctions under either scenario.

D. Armed groups

24. The armed groups active in South Sudan, including the organized forces of the Government, are the product of the country's history in which armed militias have fought the central authorities, and one another, over land and resources and to counter political marginalization. Following the outbreak of hostilities in 2013, the Government suffered heavily from massive defections of primarily Nuer SPLA units commanded by former militia leaders that had been absorbed but not fully integrated into SPLA. The Government already had little trust in some of its units and has since sought to counter the fragmentation of SPLA by strengthening the role of the Presidential Guard (SPLA Tiger Division)[5] and the National Security Service.

25. Both parties have relied heavily on youth militias that traditionally have fought other ethnic groups and clans over cattle and land. They include the Nuer "White Army", which fights on the side of SPLM/A-in Opposition, and Bul Nuer young people, who fight for the Government in Unity State, leading to a major split within the Nuer community that will be difficult to heal. Neither side has full control over the actions of the militias and youth groups, which fight partially for their own objectives not directly related to the war. This was evident when Major General Johnson Olony defected from the Government to the opposition in Upper Nile State, effectively leading to a fragmentation of that state into three areas divided roughly on the basis of ethnicity. The Government has also relied on the assistance of the Sudanese Justice and Equality Movement.

26. Outside the greater Upper Nile area, various local armed groups are also active, including in Northern Bahr el Ghazal and Western Bahr el Ghazal States and the Equatorias. Their connection to the war and the political agenda of SPLM/A in Opposition is in most cases limited. In addition, intra-ethnic and inter-ethnic conflict in Warrap and Lakes States has led to an increasing number of casualties, with limited government ability to stop the violence (see annex VI for a more detailed mapping of the current state of armed groups in South Sudan).

[5] The Presidential Guard played a crucial role in the fighting that erupted in Juba in December 2013, as did the militia known as "Mathiang Anyoor" that was subsequently integrated into the National Security Service.

E. Economic context

27. South Sudan suspended oil production in January 2012 owing to disagreement with the Sudan over transit fees. Production resumed in April 2013. During the shutdown, the country embarked on austerity measures aimed at reducing government spending to compensate for the loss of revenue. Budget deficits were bridged by forward sales to oil companies, loans and borrowing from the central bank. The outbreak of war just months after the resumption of a reliable source of oil revenue has therefore meant a continuation of the austerity measures amid the conflict.

28. Since December 2013, oil revenue has been significantly reduced by a drop in oil production and in global oil prices, in addition to the need to comply with fixed oil tariffs and transitional financial arrangements with the Sudan. According to the Government's own figures, total government revenue had fallen short of projections in the 2014 budget by up to $2.2 billion, resulting in an overall shortfall of $1.2 billion as at March 2015.[6] The Ministry of Finance and Economic Planning estimates that the deficit will rise to around $3 billion in the 2015 financial year (1 July-30 June).

29. The Government continues to raise funds by borrowing from the central bank, engaging in forward selling of oil and obtaining external loans. Increased money supply stemming from the borrowing of about $2.2 billion from the central bank has pushed up inflation.[7] The South Sudanese pound lost about 50 per cent of its value on the black market between January and July 2015, down from around 5 South Sudanese pounds to the dollar in January to around 11 South Sudanese pounds to the dollar in mid-July.[8] The official exchange rate remained fixed at 2.95 South Sudanese pounds to the dollar.

30. The existence of a high black market rate in parallel with a lower official rate comes at a high cost, both to the Government and to the operations of international humanitarian agencies. The Panel estimates that, for every United States dollar spent by an international humanitarian agency at the official rate, there is a 73.2 per cent (8.05 South Sudanese pounds) loss of its prospective value if the Government were to close the gap between the black market and official rates.[9]

31. The parallel exchange rate is, however, only one of the many avenues through which those with access to foreign currency are benefitting from the conflict through corruption. The war has placed power and access to national resources in the hands of a limited number of people at the centre of the current governing structure.

32. Public debt continues to rise rapidly. At independence, South Sudan had no public debt. In June 2015, however, the Ministry of Finance and Economic Planning

[6] The approved budget for 2014-2015 had projected that total revenue would be 11.7 billion South Sudanese pounds, but, as at March 2015, only 5.3 billion South Sudanese pounds had been realized (based on figures from the three-year strategic programme that the Minister for Finance and Economic Planning shared with the Panel during its visit in June).

[7] This was the total amount borrowed by the end of March 2015. The finding is supported by the quarterly update on economic performance by the Ministry of Finance and Economic Planning of April 2015.

[8] See https://radiotamazuj.org/sites/default/files/u2442/XRATE%20UPDATE%2020150727.jpg.

[9] The estimate is based on the official and black market exchange rates as at mid-July 2015.

acknowledged that the debt had reached $4.2 billion — a rise of $700 million from the levels in January 2015.[10] The country's current debt is about 35 per cent of its gross domestic product in 2013.[11]

III. Humanitarian crisis

A. Overall humanitarian situation

33. Since the Panel began its work, the humanitarian situation in South Sudan has continued its steep decline. Humanitarian partners have now generally accepted that needs in the world's newest nation have reached an unprecedented scale in the history of the country and will undoubtedly continue to escalate. Lack of access by humanitarian actors to significant areas of the country as a result of the war, deepening ethnic divides, extensive population displacement, the acute brutality of the violence, significant disruptions in livestock and crop-based production, high malnutrition, the deteriorating economic situation and a marked decline in donor funding coupled with a sharp increase in need have led South Sudan to endure one of the most serious humanitarian emergencies in the world. On 11 February 2014, the Emergency Relief Coordinator designated South Sudan as a level 3 system-wide emergency,[12] one of only four such emergencies worldwide and the only one of its kind in Africa at the time of writing (see annex II for a more detailed overview of the humanitarian crisis in South Sudan).

B. Obstruction of humanitarian assistance and peacekeeping operations

34. The environment for humanitarian and peacekeeping operations continues to deteriorate owing to the level of violence in the country in general and the wilful obstruction of and targeted and opportunistic attacks against humanitarian and peacekeeping personnel and assets in particular.

1. Obstruction of humanitarian assistance

35. Obstruction of humanitarian assistance has escalated since the adoption of resolution 2206 (2015). In May alone, humanitarian actors reported the same number of access-related incidents as the preceding two months combined (134 incidents, compared with 72 in April and 64 in March.) By contrast, humanitarian actors had reported 78 incidents in May 2014. April 2015 was also the first time since the beginning of the conflict that reported incidents were more often than not related to active hostilities (largely in Upper Nile and Unity States) and insecurity (in Lakes State).[13]

[10] The actual figures are projected to be higher because the Ministry lacks the capacity to track in real time all costs incurred on behalf of the Government by agencies.

[11] The real significance of the rising debt levels is not in terms of the absolute figures recorded, but the high rate of increase since December 2013.

[12] Level 3 emergencies are the most severe, large-scale humanitarian crises.

[13] According to a confidential source in the humanitarian community.

36. Humanitarian access to the River Nile has been suspended since July 2013,[14] following an armed attack on a United Nations-flagged barge transporting 500,000 litres of fuel to Malakal.

37. According to information collected by the Panel from primary and secondary sources, 73 humanitarian partners were present in Unity State at the beginning of April 2015. That presence had fallen suddenly and sharply to 42 by June owing to the recent upsurge of violence, with partners having to evacuate their staff from the southern part of Unity State in particular.

38. On 5 July, a hospital in Kodok, Upper Nile State, was caught in the crossfire during heavy fighting between government and SPLM/A in Opposition forces (see annex III). This is one example of a pattern affecting medical staff and facilities in South Sudan in the current war.

39. All parties to the conflict have been reported to divert humanitarian assistance, including by stopping humanitarian convoys at checkpoints and extorting money in exchange for safe passage or to permit the utilization of the roads. Those practices occur regularly, the national legislation prohibiting them notwithstanding.

40. One alarming indicator of the threat to humanitarian operations is the increasing number of requests by humanitarian convoys for armed escorts, which jumped from 3 in May to 11 in June. In July, the number of requests led to a situation in which no more troops could be made available for escorts, because, given the rising insecurity, UNMISS was forced to deploy more troops to protect its bases and protection of civilian sites. Long-range UNMISS patrols were therefore deployed on the main supply route along the corridor from Juba to Bentiu through Rumbek, Wau and Kuacjok. In line with the humanitarian principle of independence,[15] humanitarian actors normally do not wish to be associated with the objectives and activities of any armed forces present in the country, including those of UNMISS. Requesting armed escorts is therefore an option of last resort and indicative of the severely deteriorating operating environment.

41. Lastly, United Nations and international non-governmental organization compounds and facilities have been looted, some of them multiple times. In Juba, at least 12 compounds were robbed in July alone, although the number is likely to be substantially higher.[16]

2. Attacks against humanitarian workers

42. Since the beginning of the crisis, at least 30 aid workers have been killed, either through targeted assassination or by being caught in crossfire.[17] The Panel found that seven of those were killed in Unity State in the recent upsurge of violence, three in July alone. In addition, the Panel received many reports of

[14] See the remarks to the press by the Emergency Relief Coordinator (25 July 2015), available from http://reliefweb.int/sites/reliefweb.int/files/resources/USG%20O%27brien%20remarks%20to%20the%20press%20in%20Juba%2C%20South%20Sudan%2C%2025%20July%202015-2.pdf.

[15] The Panel uses the agreed definition of independence: "Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented." See https://docs.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf.

[16] Interviews with the Panel in Juba.

[17] Interview with officials of the Office for the Coordination of Humanitarian Affairs; remarks to the press by the Emergency Relief Coordinator (25 July 2015).

humanitarian workers being abducted, harassed, assaulted, detained, arrested, forcibly recruited or threatened.[18] The Humanitarian Coordinator was expelled on 1 June by the Government. The Secretary-General called upon the Government to reverse its decision immediately, to no avail.[19]

3. Obstruction of Mission operations

43. UNMISS personnel are regularly being attacked, harassed, detained, intimidated and threatened. Since March 2014, the Mission has endured more than 400 violations of the status-of-forces agreement, more than 90 per cent of which were perpetrated by the Government. In comparison, with regard to movement restrictions alone, the African Union-United Nations Hybrid Operation in Darfur reported 24 incidents of restriction of movement between 26 February and 15 May, compared with at least 37 incidents experienced by UNMISS in roughly the same period. In May and June, UNMISS experienced 43 incidents. The cumulative effect of that relentless obstruction has been devastating for the Mission's operations and its ability to execute its mandate to protect civilians under Chapter VII of the Charter.

C. Violations of international humanitarian and human rights law

44. Since the beginning of the conflict, various international actors, including UNMISS, the IGAD Monitoring and Verification Mechanism, the United Nations Children's Fund (UNICEF), Amnesty International and Human Rights Watch, have published reports detailing acts that violate applicable international human rights law or international humanitarian law or that constitute human rights abuses, which are all grounds for sanctions under resolution 2206 (2015). Those alleged atrocities have been widely condemned by international political actors, including the Security Council, the Secretary-General, the African Union, IGAD and the European Union.

45. That international consensus and numerous promises by the parties to investigate allegations notwithstanding, the Panel has found little to no evidence of formal judicial proceedings being undertaken by the parties to the conflict in line with international standards.[20] Ensuring the fair and effective investigation and prosecution of such offences is the responsibility of the Government under international law. The pervasive impunity marking the current conflict has only been exacerbated by the recent events in the greater Upper Nile area and is deepening the political and ethnic divides within South Sudanese society.

46. In March 2014, the African Union Peace and Security Council established a commission of inquiry on South Sudan, headed by the former President of Nigeria,

[18] Interviews with the Panel in Juba and across the country.

[19] Statement attributable to the Spokesman for the Secretary-General on South Sudan, 1 June 2015. Available from www.un.org/sg/statements/index.asp?nid=8693.

[20] See, for example, American Bar Association, "Assessment of justice, accountability and reconciliation measures" (Washington, D.C., June 2014), available from www.americanbar.org/content/dam/aba/directories/roli/sudan/aba_roli_sudan_assessment_final_report_0614.authcheckdam.pdf; and "Riek Machar admits SPLM-IO never investigated Bentiu massacres", Radio Tamazuj, 8 July 2015, available from https://radiotamazuj.org/en/article/riek-machar-admits-splm-io-never-investigated-bentiu-massacres.

Olusegun Obasanjo, to investigate human rights violations committed since December 2013. He presented a report to the Council at the end of 2014, at which time it declined to consider it. A copy of the report was distributed to the members of the Council during the week of 20 July 2015. On 24 July, the Council met at the ministerial level, as previously decided at the summit of the African Union held in Pretoria in June, and declined to release the report publicly. Instead, it established an ad hoc subcommittee, comprising Algeria, Chad, Ethiopia, Nigeria, South Africa, Uganda and the United Republic of Tanzania, to consider the report and make recommendations on the way forward. Those recommendations are to be considered by the Council at the level of Heads of State by the end of August 2015.[21]

47. The Panel requested a confidential copy of the report on 26 June through the then-Chair of the African Union Peace and Security Council, copying the African Union Commission. As at 31 July, the Panel had received no response.

1. Targeting of civilians

48. During its investigations, the Panel found that all parties to the conflict had been targeting civilians as part of their military tactics and thereby contravening applicable international humanitarian law, as referenced in resolution 2206 (2015). The Panel is investigating the chain of command pertaining to those widespread incidents.

49. On 29 October 2014, SPLM/A in Opposition attacked Bentiu, Unity State, and committed gross abuses of human rights (see annex IV). At least 11 civilians were killed, with — according to an UNMISS special report — the alleged perpetrators referring to the Nuer victims as "Dinka" to denote their perceived support for the Government.[22] In addition, women were abducted and raped. Civilians hiding in a church were beaten and abducted, even though places of worship are protected under international humanitarian law.

50. During the recent upsurge of violence in Unity State beginning in April, SPLA and associated militias targeted civilians through killing, rape, abduction, looting, arson and forced displacement in a coordinated offensive that signifies a shift in the conflict dynamics in terms of tactical brutality.[23] During two field visits, on 15 and 16 June and on 8 and 9 July, the Panel investigated those atrocities (see annex V).

51. The Panel has found that armed forces were intent on rendering communal life unviable and prohibiting any return to normalcy following the violence. Through first-hand accounts, the Panel concluded that that offensive was aimed at depriving SPLM/A in Opposition of a support base at all costs, including by clearing the population from much of Unity State. On the basis of all the evidence before it, the Panel concludes that, since April, the intensity and brutality of the violence aimed at civilians are hitherto unseen, in what has already been, without a doubt, an exceedingly violent conflict.

[21] See www.peaceau.org/en/article/communique-of-the-526th-psc-meeeting-at-the-level-of-ministers.

[22] UNMISS special report on the attack on Bentiu, available from http://unmiss.unmissions.org/Default.aspx?tabid=5805.

[23] UNMISS flash human rights report on the escalation of fighting in the greater Upper Nile area, available from http://unmiss.unmissions.org/Default.aspx?tabid=5805.

2. Sexual violence and recruitment of children

52. The Panel's preliminary investigations, including during its field visits,[24] have indicated that all parties to the conflict are deliberately using rape as part of their war tactics and are able to do so with full impunity. Multiple actors have reported on those patterns of sexual violence.[25]

53. The Panel's preliminary investigations on the basis of primary and secondary sources have demonstrated that all parties to the conflict have availed themselves of the use of children, both as combatants and to carry out support functions. According to information provided by UNICEF and UNMISS to the Panel, more than 13,000 children have been recruited in the course of the war, most of them by SPLM/A in Opposition.

IV. Natural resources and financing of the conflict

54. Even as the South Sudanese economy risks collapse, debt rises sharply and the revenue from oil declines, the Government appears able to sustain massive expenditure on the war, including on arms, logistics and salaries. In parallel, some individuals and entities inside and outside the country, and inside and outside the Government and the opposition, are in fact deriving significant financial benefit from the war. With regard to the Government, this is in part due to the budget allocation system, where the power to allocate funds is concentrated among a few individuals.

55. The Panel has begun investigations into the financing channels used by the Government and the opposition to prosecute the war and into those individuals and entities who gain financially from the continuation of the conflict. The Panel will report its findings in forthcoming updates to the Security Council in the context of the sanctions designations criteria established in resolution 2206 (2015).

A. Oil

56. When the conflict broke out, oil production was below the January 2012 levels of 350,000 barrels per day. Fighting in oil-producing areas and direct attacks on oil facilities have since forced the shutdown of production in Unity State and also reduced production in Upper Nile State. The total production during the Panel's visit in mid-July 2015 was 163,000 barrels per day, down from the late-2013 production level of 245,000 barrels per day.

57. The drop in oil production levels and revenue notwithstanding, oil remains the mainstay of the South Sudanese economy and currently accounts for about 96 per cent of national revenue. It remains difficult to estimate how much the Government

[24] During a field visit to Bentiu, the Panel was able to spend a few hours with internally displaced persons at the Bentiu site for the protection of civilians and registered at least 12 different instances of rape and sexual violence within a very short time frame.

[25] See the above-mentioned UNMISS flash human rights report and previous UNMISS human rights reports; the IGAD Monitoring and Verification Mechanism summary of the latest reports of violations of the Cessation of Hostilities Agreement covering the period from 27 April to 31 May 2015, available from http://southsudan.igad.int/index.php/2014-08-07-10-16-26; and the UNICEF child protection briefing note, available from www.childrenofsouthsudan.info.

has spent directly on the conflict since December 2013, but several factors provide indications of the channels, nature and extent of the spending.

58. First is the percentage of the budget allocated to the security sector vis-à-vis other sectors. The Panel's review of successive budgetary allocations to the security sector since 2011 shows that spending is substantially skewed towards allocating more resources to that sector at the expense of those at the centre of development, such as education, infrastructure, health and public administration (see annex VII).

59. Second is the level of overspending in the security sector. The amounts allocated to the sector in the 2014 and 2015 budgets have risen from 32.3 per cent ($1,345 million) to 36.6 per cent ($1,579 million). Although the rise may not appear significant, the Panel's review of successive government budgets and spending reports since 2011 shows that actual spending is significantly higher than the respective budget lines of the various sectors because budgets are hardly adhered to in the practical allocation of funds. In terms of actual spending, the Ministry of Defence and Veterans' Affairs and the National Security Service in the Office of the President are the main institutions that strain the Government's operational budget with excessive overspending at the expense of other agencies.

60. About 75 per cent of operational budget overspending between July and December 2014 was by the Ministry of Defence and Veterans' Affairs and the Office of the President. Among government agencies, the Office of the President has contributed significantly to overspending because of the enhanced role of the National Security Service and the limited transparency and accountability of the Office.

61. Apart from an increase in budgetary allocations to the security sector and massive overspending in that sector, two key expenses in relation to the conflict exemplify the nature of government spending in that area. According to the Ministry of Finance and Economic Planning, an estimated $98.6 million was spent by government representatives on participation in peace negotiations, repatriation of displaced persons and food rations for the army in the first half of the 2014 financial year. Second, the Ministry reported a payment of $46.8 million to a Chinese firm, China North Industries Corporation (Norinco), from the capital budget in the second quarter of that financial year (see paras. 70 and 71). The Ministry of Defence and Veterans' Affairs also overspent its quarterly budgetary allocation by more than $6.7 million and accounted for 58 per cent of a total salary overspend of $103 million in the first half of that financial year.[26]

B. Livestock

62. Livestock are a prime source of livelihood for most people outside the formal economy and a major store of wealth for many communities. Cattle-raiding is a key dimension of the conflict. According to the Food and Agriculture Organization of the United Nations, the conflict has disrupted the seasonal cattle migration patterns of livestock (see annex VIII). Cattle are looted from villages that are overrun by armed groups. In the SPLA offensive in Unity State from April to June, cattle were

[26] The figures exclude allocations to the police. The Ministry of the Interior, the police and the South Sudan Prisons Service are clustered under the rule of law sector, meaning that their allocation is not added to the security cluster. Nevertheless, in reality they operate as paramilitary forces and have been active in the war, in particular during the first months.

the main trophies for the thousands of Bul Nuer young people who aided SPLA. The offensive gave the Bul Nuer the opportunity to extensively loot the cattle of Nuer communities in southern Unity State (see annex V). Cattle-raiding has become the basis for a symbiotic relationship between SPLA and many of its allied militias. Within that relationship, SPLA aims to destroy SPLM/A in Opposition, whereas its allied forces aim to loot as many cattle as possible while contributing to the attainment of the SPLA military objectives.

63. The Panel confirmed during its visit to Bentiu in June that, even though the town had been vacated, it housed tens of thousands of cattle (see annex IX). Before the offensive, the state government had announced that people aligned with the Government should bring their cattle to Bentiu for safekeeping.[27] The Panel assessed that that was in preparation for extensive raiding of southern Unity State. Reports at the end of June, after the raid, place the estimated number of cattle in Bentiu at 100,000.[27]

C. Looting

64. Both sides of the conflict make use of looting. In an interview with Aljazeera, a Nuer elder, Guny Kam, in Ping Thou village explained the use of that philosophy by the opposition-affiliated "White Army". According to Kam, "we [the 'White Army'] go to conflict with only one gun; when we kill the enemy we arm ourselves with what he had".[28] In July, some SPLM/A in Opposition sources told the Panel that "for us, we get resources from the Government: you hold a town and when the SPLA approaches, you withdraw for them to occupy the town. Once they settle in, you attack again to push them out of the town and they leave behind what you need." The Panel believes that the SPLM/A in Opposition financial and supply base is situated within a complex network of regional and international alliances, diaspora support and internal resource mobilization and is not as simple as asserted. The assertion is also not sustained by the nature of the battles with the Government (see para. 77).

65. Looting by elements of SPLM/A in Opposition and the "White Army" manifests itself in their confrontation with government forces. Battle videos of the exit of SPLA forces from Bentiu on 6 May showed that, when an SPLA soldier was killed by SPLM/A in Opposition elements, they stripped the body of all lootable possessions (see annex X). Looting has been extended to humanitarian aid and logistics as well as to banks in towns that have been overrun.

D. Wildlife

66. The South Sudan Wildlife Service and conservationists in the country told the Panel in July that poaching and wildlife trafficking had increased since the onset of the conflict. The Panel is investigating the link between that increase and the escalation and continuation of the conflict and will report its findings in subsequent updates to the Security Council.

[27] Small Arms Survey, "The conflict in Unity State". Available from www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html.

[28] See http://america.aljazeera.com/watch/shows/live-news/2015/7/south-sudans-white-army.html.

V. Arms transfers

67. The supply of arms and ammunition to SPLA and SPLM/A in Opposition, as well as to affiliated forces, has been instrumental in prolonging and escalating the war. Both sides have continually violated their commitments to cease resupplying their forces with arms and ammunition.[29] The Panel will continue to look into the transfers, including their sources and the trafficking networks behind them, their impact on the war and their role in violations of human rights and humanitarian law.

68. The Security Council did not impose an arms embargo on South Sudan under resolution 2206 (2015), meaning that the Government is free under international law to acquire arms, ammunition and other military equipment and parts, as well as any related training in their use, maintenance or repair. Consistent with the resolution, however, the Panel is investigating the involvement of regional States in arms transfers, including the possibility of acquisitions made by neighbouring countries on behalf of the Government of South Sudan.[30] The Government has in the past year signed security cooperation agreements with both Egypt and Uganda,[31] but is obligated to ensure that arms, ammunition and equipment are not used in violation of international humanitarian and international human rights law.

A. Arms transfers to the Government

1. Attack helicopters

69. The Panel has obtained evidence of the presence in South Sudan of at least four Mil Mi-24 helicopters flying the South Sudanese flag.[32] The helicopters, which have eight-person transport capacity and ground-attack capacity, have been used in an attack support role by SPLA in recent fighting in Upper Nile State, including around Kodok (see annex III) and Doleib Hill. SPLA did not possess operational helicopters with ground-attack capacity before the outbreak of the war. Imagery obtained by the Panel shows an SPLA Mil Mi-24 fitted with two B8V20 launch pods on the two missile attachment points located on the left stub wing, each capable of firing twenty 80mm S-8 unguided rockets. It is likely that the same launch pods are located on the right stub wing, making the total allowance of the helicopter up to 80 rockets (see fig. I).[33]

[29] Under article 1.2 of the Cessation of Hostilities Agreement of 23 January 2014 and articles 1.1 and 1.2 (b) of the implementation modalities for the Cessation of Hostilities Agreement matrix.

[30] During the interim period established under the Comprehensive Peace Agreement, Kenya and Uganda acquired arms and ammunition on behalf of the Government of Southern Sudan.

[31] "South Sudan and Uganda sign military cooperation deal", Sudan Tribune, 15 October 2014, available from www.sudantribune.com/spip.php?article52727; and "South Sudan signs military cooperation deal with Egypt", Sudan Tribune, 24 March 2014, available from www.sudantribune.com/spip.php?article50407.

[32] Analysis has identified them as either Mi-24V (Hind E) or Mi-24K (Hind G2) variants, with both potentially present in the country. An additional photograph and analysis are provided in annex XI.

[33] In addition to a YakB-12.7mm four-barrel machine gun mounted in the undernose turret, the Mi-24V can be fitted with, in total, four radio-guided 9K114 Shturm anti-tank guided missiles (AT-6) on the H-shaped rails visible on the image. The Panel has not obtained evidence of either the presence or use of such guided missiles.

Figure I

Photograph showing an SPLA soldier in front of an SPLA Mi-24V helicopter, with, on the right, a soldier holding an IWI-ACE 7.62x39mm rifle

Source: facebook.com.

2. Shipment of arms from Norinco

70. In July 2014, SPLA received a shipment of arms, ammunition and related materiel from Norinco for which the Panel obtained the related documentation (see annex XII). The consignment indicated on the packing list included 100 HJ-73D anti-tank guided missile-launching and guidance systems, including batteries and spare parts, and 1,200 rounds of the missile; 9,574 type-56 automatic rifles, as well as 2,394 under-barrel 40mm grenade launchers and 20 million rounds of 7.62x39mm ammunition; 319 type-80 general-purpose machine guns and 2 million rounds of 7.62x54 ammunition; 660 NP-42 pistols delivered with 2 million rounds of 9x19mm ammunition; and 40,000 rounds of type-69 high-explosive anti-tank rockets.

71. South Sudanese officials have acknowledged the delivery of the materiel publicly and in private conversations with the Panel, stating that it was in line with a contract signed between the Governments of China and South Sudan before the outbreak of the war.[34] The documentation for the shipment appears to confirm that assertion. It was subsequently reported that the Government of China had decided to halt future exports of arms to South Sudan.[35]

[34] See, for example, Ilya Gridneff, "China sells South Sudan arms as its Government talks peace", Bloomberg, 9 July 2014. Available from www.bloomberg.com/news/articles/2014-07-08/norinco-sells-south-sudan-arms-as-chinese-government-talks-peace.

[35] See Ilya Gridneff, "China halts arms sales to South Sudan after Norinco shipment", Bloomberg, 30 September 2014. Available from www.bloomberg.com/news/articles/2014-09-29/china-halts-weapons-sales-to-south-sudan-after-norinco-shipment.

3. Amphibious vehicles

72. In a press release issued on 1 August 2014, SPLA announced the acquisition of 10 "amphibious tanks".[36] The Panel has obtained visual evidence confirming the presence of GAZ-34039 tracked amphibious vehicles in Upper Nile and Unity States (see fig. II). Such vehicles have 10-person transport capacity, a maximum 60 km/h road travelling speed and a 6 km/h floating speed. The imagery shows multiple vehicles fitted, possibly post-delivery, with a DShK 12.7mm heavy machine gun.

Figure II
SPLA soldiers in Upper Nile State atop a GAZ-34039 amphibious vehicle fitted with a DShK 12.7mm heavy machine gun

Source: Confidential.

4. ACE rifles

73. The Panel has obtained photographs of the presence of Israeli-produced IWI-ACE automatic rifles in at least two configurations. At least some of the rifles were delivered to the National Security Service before the outbreak of the war, but have now been observed by the Panel in the possession of SPLA (both the army and the air force), the national police and the National Security Service, primarily with bodyguards of high-ranking officials and with senior army officers.

5. Arms and finance

74. The recent arms transfers have significant financial implications, as evidenced by the fact that the Norinco shipment represented a total value of $20,737,925.00.[37]

[36] See http://paanluelwel.com/2014/08/01/spla-army-received-new-weapons-to-defend-the-constitution/.

[37] See section IV for information on how spending on defence led to decreasing spending on health and education, among others.

New Mi-24V attack helicopters have a minimum value of at least $10 million. Although it appears unlikely that South Sudan has been able to procure them new, the helicopters nevertheless represent significant financial value, with additional operating costs amounting to at least several thousand dollars per week per unit for logistics, fuel, spare parts and personnel.[38] Similar costs are incurred for all other equipment, such as main battle tanks and artillery guns.

75. The Panel has obtained from a confidential source SPLA documentation that provides a consolidated summary of requirements for a January-July 2014 "emergency budget" of needs for the government forces (see annex XIII). The Panel does not believe that the items listed in the document have been procured exactly as suggested by SPLA. Nevertheless, the total figure of 2,533,187,831.99 South Sudanese pounds (more than $850 million using the official exchange rate) provides insight into the financial parameters for SPLA budget discussions. It also demonstrates that, apart from large-scale recruitment, acquiring additional equipment was from the very beginning of the conflict a central policy option to counter the loss of division-size formations to SPLM/A in Opposition (see annex X).

B. Arms transfers to SPLM/A in Opposition

76. As an opposition movement, SPLM/A in Opposition does not have access to arms through official State-to-State transactions. Initially, it would use the arms and ammunition taken by its forces that defected from SPLA, in particular divisions VIII and IV, commanded by Major Generals Peter Gadet Yaak and James Koang Chuol, respectively. In May, Major General Johnson Olony defected from SPLA, into which he had been integrated two years earlier, taking with him a substantial arsenal of arms and ammunition provided to his forces by SPLA.

77. The prospects of continued looting of large amounts of arms and ammunition from the other side are limited, however. Frequently, as soon as one party approaches and it becomes clear that it is able to muster a preponderance of force, the other withdraws, taking where possible its equipment and thus diminishing the prospects of looted armouries and ammunition depots. With the fighting having been going on for 19 months and involving frequent exchanges of fire between both sides, continued recruitment and the absence of a national arms industry, both sides require external resupplies, especially of ammunition, to sustain the fighting.

78. The Government of South Sudan has repeatedly accused the Sudan of supplying SPLM/A in Opposition with arms and ammunition, an allegation that Khartoum — although not uniformly SPLM/A in Opposition — denies.[39] Two research organizations, the Small Arms Survey and Conflict Armament Research, have documented the presence of ammunition from various countries in stocks seized by government forces from SPLM/A in Opposition. They included Sudanese

[38] The Panel continues to investigate whether the use of the helicopters is a result of acquisition or lease.

[39] See "Sudan denies accusations of South Sudanese rebel support", Sudan Tribune, 19 May 2015. Available from www.sudantribune.com/spip.php?article55019.

ammunition produced in 2014 that was, highly probably, airdropped to SPLM/A in Opposition by an external source.[40]

C. Impact of resupply of arms and ammunition

79. Both the Government and SPLM/A in Opposition claim that fighting takes place only in self-defence and that ammunition is required for defensive purposes. The scale of the fighting, the sheer magnitude of human rights violations and the conflict dynamics led the Panel to the conclusion that that reasoning is not credible.[41] The continuing resupply of arms and ammunition on both sides has been instrumental in the continuation and escalation of the war to its current scale, leading to large-scale violations of international humanitarian law.[42]

80. The Panel sees the supply of larger military equipment, in particular to SPLA, as part of a continued government attempt to change the dynamics of the war. In 2014, the fighting decreased during the rainy season as roads became impassable.[43] SPLA was at a relative disadvantage in that period compared with SPLM/A in Opposition, whose fighters originated from the areas in which they were fighting and thus were more familiar with the terrain. SPLA was less able to deploy and use its superior number of tanks and artillery during that period, while SPLM/A in Opposition was relying more on the use of small arms and light weapons and greater mobility in rough terrain. Whereas July and August are considered the height of the lean season (i.e. those months just before the new harvest that are normally the most food-insecure for civilians in rural areas), the lull in fighting would provide civilians in areas of conflict with some form of respite from attacks by both parties.

81. The acquisition by SPLA of greater air and riverine capacity is part of a strategy to diminish that tactical disadvantage, given that the amphibious vehicles and attack helicopters provide SPLA with the ability to continue to fight in areas previously deemed inaccessible as a result of the rains. SPLA has used its attack helicopters in Upper Nile State to target opposition forces and civilians on the other side of the River Nile. During the offensive in Unity State from April to June, GAZ amphibious vehicles were deployed by SPLA to pursue SPLM/A in Opposition fighters and civilians into the swamps of the Sudd, where civilians fleeing violence had sought refuge.[44]

82. Small arms and light weapons remain the currency of choice for most fighters on both sides because they are easy to transport, inexpensive, require little training

[40] See Conflict Armament Research, "Weapons and ammunition airdropped to SPLA-iO forces in South Sudan" (May 2015), available from www.conflictarm.com/wp-content/uploads/2015/06/Weapons_and_ammunition_airdropped_to_SPLA-iO_forces_in_South_Sudan.pdf; Small Arms Survey, "Small arms ammunition documented at Bentiu mosque" (May 2014), available from www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/arms-ammunition-tracing-desk/HSBA-Tracing-Desk-Bentiu-July-2014.pdf.

[41] The IGAD Monitoring and Verification Mechanism has documented multiple violations by both sides of article 1.1 of the Cessation of Hostilities Agreement, which pertains to the obligation to cease all military operations.

[42] Case studies (Kodok and Southern Unity State) are provided in annex III.

[43] See www.crisisgroup.org/en/publication-type/alerts/2014/conflict-alert-looming-military-offensives-in-south-sudan.aspx. The rainy season lasts roughly from May to October.

[44] For a public source, see www.hrw.org/report/2015/07/22/they-burned-it-all/destruction-villages-killings-and-sexual-violence-unity-state.

to use and are comparatively simple to acquire.[45] Small arms, especially of the AK variety,[46] are found on both sides and have featured prominently in cattle-raiding between ethnic groups and in fighting between SPLA and militias in the interim period established under the Comprehensive Peace Agreement.[47]

83. The country is heavily militarized and the ability of the Government to maintain law and order in many parts or to control weapons in the hands of its fighters is limited, meaning that the continuing importation of small arms and light weapons and ammunition by both sides will have a lasting impact on peace and stability in South Sudan, increasing the likelihood of armed political violence and fragmentation. The most realistic scenario is that the influx of small arms and light weapons will mean that, even with a political agreement, severe insecurity and intercommunal violence will remain a feature of South Sudanese life for the foreseeable future and, given the porous nature of the borders, will continue to negatively affect the security of neighbouring States.

VI. Recommendations

84. The Panel recommends:

Sanctions

(a) That, at such point as the Committee considers additional designations of individuals, and in the light of the severe deterioration on the ground and the threat that the war in South Sudan poses to international peace and security, and to achieve the objectives established by the Security Council in resolution 2206 (2015), namely inclusive and sustainable peace in South Sudan, such designations include those decision makers with the ability to either perpetuate or end the war who reap the economic and political benefits of the conflict and/or others who are responsible for serious crimes under international humanitarian and human rights law;

(b) That, insofar as the sanctions regime is aimed at changing the calculations of the parties and promoting peace in South Sudan, a sustained, concerted and large-scale public outreach campaign be conducted in the country by the members of the Security Council to build understanding of and support for the sanctions regime and for current and future designations, as well as to combat misinformation about the sanctions regime, taking into account the low literacy rates and limited access to television and the Internet in South Sudan;

Arms embargo

(c) That the Security Council impose a ban on the supply, sale or transfer to South Sudan, from or through the territories or by the nationals of all States members of the United Nations, or using their flag vessels or aircraft, of arms and

[45] The Panel follows the definition of small arms and light weapons established in the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons.

[46] These include variants of the original AK-47, including AKM and AKM-S, variants produced in former States signatory to the Warsaw Pact and variants such as the Chinese type 56-1.

[47] To illustrate this point, the Panel saw more than 8,000 Bul Nuer young people pass the UNMISS site for the protection of civilians in Rubkona on 16 June. Some 80 per cent of them were armed, the vast majority with AK-pattern automatic rifles.

related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of any form of training by foreign forces or armed mercenary personnel whether or not originating in their territories;

(d) That the modalities for the implementation of the arms embargo be discussed in close cooperation with the African Union and IGAD and contain the necessary provisions relating to possible exemptions for supplies aimed at guaranteeing the security of UNMISS, United Nations agencies, diplomatic missions, humanitarian actors and the international media and that UNMISS receive a mandate to monitor the implementation of the embargo and the means required to do so effectively;

(e) That, in the event of an agreement between the parties that establishes a third-party force other than a United Nations peacekeeping mission, Member States contributing to that force be required to notify the Committee and the Panel, before the transfer into South Sudanese territory, of:

(i) The exact type, quantity and technical specification of weapons, ammunitions, military equipment and/or materiel to be delivered and/or assistance to be provided;

(ii) The means of transport to be used to supply the equipment;

(iii) The proposed date of delivery;

(iv) The specific place of delivery in South Sudan;

(f) That, in the event of the signing and effective implementation of a peace agreement between the warring parties, training or support in the following areas be exempted from the embargo, subject to written approval by the Committee:

(i) Compliance with international humanitarian and human rights law;

(ii) Security sector reform, in particular promoting democratic accountability;

(iii) Efforts to combat poaching and other forms of wildlife trafficking;

(iv) Measures aimed at reducing the risk of leakage, loss, diversion or theft from government stockpiles, including through the provision of a comprehensive registration system for government-owned arms and ammunition;

(g) That, in the light of concerns expressed to the Panel regarding the ability of South Sudan to defend itself in the context of an unstable region, as well as to account for the already substantial proliferation of, in particular, small arms and light weapons in the hands of civilians, the Security Council make clear to the parties from the outset that the arms embargo is a temporary measure that can be lifted conditional on the following:

(i) Signing and effective implementation of a peace agreement, including the formation of a transitional Government;

(ii) Improvements by all organized forces of South Sudan in the field of physical security and stockpile management measures, including a

comprehensive marking and registration system for government-owned arms and ammunition, aimed at reducing the risk of leakage, loss, diversion or theft from government stockpiles, in compliance with the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa;

(iii) Improvement in the field of security provision at the community level, thereby reducing the perceived need among the civilian population for weapons for self-protection;

Human rights and international humanitarian law

(h) That as part of wider efforts to put an end to the pervasive impunity that is resulting in violations of applicable international human rights law and international humanitarian law and amounting to violations of the sanctions regime as imposed by resolution 2206 (2015):

(i) The Security Council, following on from the presidential statement of 24 March 2015 (S/PRST/2015/9), strongly urge the African Union to release the report of the African Union Commission of Inquiry on South Sudan to the public without further delay and independent of the outcome of the IGAD process;

(ii) The Security Council, following on from its informal consultations on 12 May when it considered a paper prepared by the Secretariat on the topic, further consider, as a matter of priority, options for criminal accountability and transitional justice in South Sudan for serious crimes committed since the beginning of the war.

Annex I

Table of correspondence sent and received by the Panel from 18 May to 31 July 2015

Country other entity	*Number of letters sent*	*Requested information fully supplied*	*Information partially supplied*	*No answer*	*Pending*[a]
South Sudan	5	3		1	1
SPLM/A in Opposition	1				1
Ethiopia	1	1			
United Nations Office to the African Union	1	1			
Uganda	2	2			
Sudan	2	2			
African Union Peace and Security Council	1			1	
Israel	2	1			1
China	1				1
Total	**16**	**10**		**2**	**4**

[a] The reply deadline has not yet expired.

Annex II

Humanitarian crisis in South Sudan

1. Since the adoption of Resolution 2206 (2015), 100,000 additional people have been displaced within the country, bringing the total number of internally displaced persons (IDPs) to over 1.6 million.[1] Of that total, 166,142 are living in six Protection of Civilian (PoC) sites located on UNMISS bases.[2] This represents an increase of 64,000 civilians seeking shelter in PoC sites in the last eight months since the end of 2014. This sharp increase is putting enormous pressure on the limited living space and services available, particularly in the two largest sites in Malakal, Upper Nile State and Bentiu, Unity State, which is hosting over 62% of all IDPs.

2. In addition to the internally displaced population, 753,000 people have fled South Sudan and are now living as refugees in neighbouring countries, with 83% having fled since 15 December 2013.[3] Some 90% of these new refugees are women and children.[4] The majority of these refugees are living in vulnerable border areas, putting further strain on the host communities.

3. The number of people facing severe food insecurity has almost doubled since the start of 2015 to an estimated 4.6 million people,[5] including 250,000 children severely malnourished — the highest numbers since the conflict began in December 2013.[6] The actual number will most likely be higher as these estimates were calculated prior to the current upsurge in fighting in Greater Upper Nile since April, which significantly disrupted humanitarian assistance and resulted in loss of livelihoods due to cattle raiding and wilful destruction of crops and seeds.

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[1] Humanitarian Bulletin, Bi-weekly Update on South Sudan (15 July 2015). Available from https://docs.unocha.org/sites/dms/SouthSudan/2015_SouthSudan/South_Sudan_15_July_2015_Humanitarian_Bulletin_01.pdf, accessed on 20 July 2015; Humanitarian Bulletin, Monthly Update on South Sudan (31 March 2015). Available at http://reliefweb.int/report/south-sudan/south-sudan-humanitarian-bulletin-monthly-update-march-2015, accessed on 25 July 2015.

[2] As at 15 July 2015, the displaced people were divided amongst the 6 PoC sites as follows: 103,913 in Bentiu (Unity State); 28,663 in Juba UN House (Central Equatoria); 30,410 in Malakal (Upper Nile State); 2,289 in Bor (Jonglei State); 665 in Melut (Upper Nile State); and 202 in Wau (Western Bahr el Ghazal State). The Panel learned on 23 July the number of IDPs in the largest site of Bentiu had swelled to 115,983, which is more than a 10% increase over a 1-week period.

[3] UNHCR, South Sudan Situation: Regional Overview of Population of Concern (as of 22 July 2015). Available at http://reliefweb.int/sites/reliefweb.int/files/resources/SSD_Situation_RegionalOv_POC_150722.pdf. Accessed on 28 July 2015.

[4] The majority of refugees are in Ethiopia, with on average some 180 South Sudanese refugees arriving every day. Ethiopia now hosts the largest refugee population of any African country, with over 281,514 South Sudanese refugees in addition to some 425,000 refugees of other nationalities. Sudan has seen the highest arrival rate in 2015, with more than 38,000 entering the country in June alone, bringing the total number of South Sudanese there to 198,657. Uganda is now hosting 181,389 and Kenya 91,553 South Sudanese refugees. See http://www.unhcr.org/pages/49e483986.html.

[5] Integrated Food Security Phase Classification, South Sudan report, May 2015. Available on http://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_SouthSudan_May2015_FullReport.pdf, accessed on 15 June 2015; FEWSNET alert, "South Sudan, Some households face Catastrophe as food aid delivery remains blocked and prices spike", available at http://www.fews.net/east-africa/south-sudan/alert/june-24-2015, accessed on 30 June 2015.

[6] In total, nearly 70 per cent of the country's population — 7.9 million out of 11.6 million people — are expected to face food insecurity this rainy season, or so-called lean season.

4. About 750,000 people have been affected by the recent violence in Unity State alone. OCHA reports that 138,000 of those who were receiving humanitarian assistance prior to the upsurge of violence are now without that assistance due to insecurity.[7] Some have fled to the PoC site in Bentiu. Others — humanitarian organizations estimate tens of thousands in Unity State alone[8] — have fled into the bush and swampy areas prone to flooding. They are effectively cut off from aid and living in the most dire conditions, putting them at acute risk of disease and famine.

5. Deepening food insecurity is not only a result of protracted conflict but also of limited market functionality as many roads are not passable during the rainy season, steep depreciation of the currency, rising inflation, and a high cost of living. 610,000 people living in South Sudan's urban areas are now struggling with the fact that the cost of living has increased by nearly 30% in the first half of 2015.[9]

6. In addition to food and livelihoods support, acute humanitarian needs of the population include infectious disease control,[10] education, protection, water and sanitation assistance, shelter, non-food items, and health care.

7. South Sudan also continues to receive refugees from neighbouring Sudan — currently 265,887 people, mostly from Sudan, putting further pressure on the country's limited resources.[11]

8. Finally, scores of civilians have died as a direct result of the war. Shockingly, no one knows how many, as no one is keeping track.[12]

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[7] Actual numbers of people no longer receiving aid will be higher due to the level of violence.

[8] Humanitarian Bulletin, Bi-weekly Update on South Sudan (30 June 2015). Available from https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_south_sudan_biweekly_30_june_2015.pdf, accessed on 10 July 2015.

[9] Integrated Food Security Phase Classification (IPC), the Republic of South Sudan, May 2015 Food Security and Nutrition Analysis, Key Messages, p. 1; and FAO, "Sky-rocketing Food Prices in South Sudan are Deepening Food Insecurity", 2 July 2015, http://www.fao.org/emergencies/fao-in-action/stories/stories-detail/en/c/296963/.

[10] In most recent months, water-borne infectious diseases have become a particular concern, due to the onset of the rainy season, combined with inadequate shelter and sanitary conditions of people hiding in swamps, overcrowding in PoC sites, limited access to large swathes of the country due to insecurity, and inadequate access to safe drinking water across the country. A cholera outbreak was declared on 23 June 2015, with as of 26 July 2015, a total of 1,375 cholera cases including 42 deaths (CFR 3%) reported, according to the World Health Organization (Situation report on Cholera in South Sudan No. 35 (26 July 2015). Available on http://reliefweb.int/sites/reliefweb.int/files/resources/Situation%20Report%20Issue%20%2335%2C%2026%20July%202015%20on%20Cholera%20in%20South%20Sudan.pdf, accessed on 28 July).

[11] UNHCR, South Sudan Situation, Ibid.

[12] AFP article, "50,000 and not counting. South Sudan's war dead." (15 November 2014). Available at http://reliefweb.int/report/south-sudan/50000-and-not-counting-south-sudans-war-dead, accessed on 10 June 2015.

Annex III

Hospital in Kodok, Upper Nile State

1. On 5 July, a hospital in Kodok, Upper Nile State, was caught in the crossfire during heavy fighting between the government forces and SPLM/A in Opposition forces under the leadership of Johnson Olony. Two people were killed and 11 others were injured. Doctors and nurses were forced to leave the hospital, which meant a further 11 patients died after they had left.[1] The attack involved the use of rockets fired from a helicopter. Only SPLA forces in that area have helicopters at their disposal. Therefore the Panel is almost certain the rockets were fired from an SPLA-controlled helicopter. As the Mil Mi-24 is the only SPLA helicopter with a direct ground attack capacity, the Panel furthermore finds it highly probable that the rockets were fired from a Mil Mi-24 variant helicopter.

2. The hospital was supported by medics from the International Committee of the Red Cross (ICRC). About 70 patients were being treated at the hospital before the fighting. The hospital serves tens of thousands of people in the local community, with up to 700 consultations every week. A Red Cross mobile surgical team, including five doctors and nurses, had been based at the hospital. At a time when expert health care is desperately needed, the ICRC has been forced to suspend its medical work in Kodok until the security situation improves.[2]

3. It was the second time the hospital got caught in the crossfire and the medical staff had to be evacuated.

4. The Panel has written to both the SPLA and the SPLM/A in Opposition, requesting further information regarding the incident and is currently awaiting a reply.

Conflict pattern affecting medical staff and facilities:

5. This is only one example of a pattern affecting medical staff and facilities in South Sudan. Since the start of this conflict, hospitals have become targets of attack and brutality.[3] On 26 February 2014, MSF reported on the attack on two of the hospitals they had been supporting. In Malakal, Upper Nile State, patients had been murdered inside the town's Teaching Hospital. And in Leer, Unity State, the hospital was thoroughly looted, burned and vandalized.[4] In Bentiu, Unity State, 19 civilians were killed by SPLM/A in Opposition forces in the Civil Hospital on 15 April 2014.[5]

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[1] Report from British Red Cross. Available at http://reliefweb.int/report/south-sudan/watch-aid-worker-describes-tragic-scene-after-hospital-attack, accessed on 20 July 2015.

[2] Ibid.

[3] "South Sudan: medical care under fire" (26 February 2014), MSF article available on http://www.msf.org.uk/article/south-sudan-medical-care-under-fire, accessed on 20 July 2015.

[4] Ibid.

[5] UNMISS, Attacks on Civilians in Bentiu & Bor April 2014 (January 2015). Available at http://www.ohchr.org/Documents/Countries/SS/UNMISS_HRDJanuary2015.pdf, accessed on 27 July 2015.

Violation of International Humanitarian Law:

6. The Panel learned that both the SPLA and SPLM/A in Opposition forces were aware of the location of the hospital. In addition, the hospital was clearly marked with the red cross symbol that was visible from both the air and the ground. Kodok is a relatively small town, right on the frontline between both parties. Both parties are familiar with the area and knew they were operating in very close vicinity of a civilian object and that the risk was very high that it would be damaged and/or people inside would be hurt as a result of extensive shelling of the town.

7. Under international humanitarian law, hospitals have a protected status and should never be the object of attack. Parties to a conflict (whether states or non-state armed groups) should only target military objectives and not the civilian population or individual civilians or civilian objects. Failing to make this distinction in military operations represents an indiscriminate attack and is a war crime. Although it is understood that it is not possible for parties to a conflict always to avoid civilian casualties when engaged in military operations, nevertheless all parties must take all possible precautions in any attack to minimize civilian deaths and injuries. On the basis of its preliminary investigation, the Panel concludes it has sufficient evidence to establish that when they engaged in fighting in Kodok, the parties did not take sufficient precautionary measures to avoid impacting the hospital.

Annex IV

SPLM/A in Opposition attack on Bentiu, 29 October 2014

1. According to multiple open sources, the SPLM/A in Opposition attacked Bentiu, the capital of Unity State, on 29 October 2014. As has often been the case during the conflict in South Sudan, the attack was accompanied by reports that civilians were deliberately targeted by armed elements.[1]

Context:

2. Unity State has been the subject of continuous fighting since the beginning of the war in South Sudan in December 2013. Bentiu is nationally significant as the capital of the only Nuer-majority state in South Sudan. Unity State is oil-producing and receives additional oil revenue under the Transitional Constitution. This makes Bentiu the politically potent key to control the oil wealth generated in Nuer areas.[2]

3. Prior to this attack, the SPLA had been in control of Bentiu, even if its control was tenuous at best. The government had little control over the southern counties of Unity State and skirmishes in areas outside Bentiu had been frequent. Rumours of an impending attack by SPLM/A in Opposition forces on Bentiu and Rubkona had been circulating for months.[3]

The attack:

4. On 29 October, the SPLM/A in Opposition forces surrounded Bentiu moving in from the north, and from bases in Guit county in the south-east, and from Rubkona in the south-west.[4] The tribal composition of the forces and the chains of their command have not been identified with sufficient measure of certainty. On the basis of the prevailing areas of habitation, as well as taking into consideration the split that occurred among the Nuers since December 2013 in Unity State, it could be surmised that the attackers belonged to Jagei, Jikany and Dok Nuer clans, although some of the Bul Nuers should not be excluded. At that time, General Peter Gadet, a Bul Nuer from Mayom County, was the Chief of Staff of the SPLM/A in Opposition forces. According to the SPLM/A in Opposition, they were forced to take control of the oil-rich town due to the aggressive action of the SPLA against their defence positions.[5] It does not seem to be a well-motivated pretext, given Unity State's largest oil-fields are almost entirely in its southern counties (Koch, Payendit, Leer, Panyijar). According to the South Sudan Constitution, 3% of oil revenues

[1] UNMISS Special Report: Attack on Bentiu, Unity State, 29 October 2014 (19 December 2014). Available at http://unmiss.unmissions.org, accessed on 23 July 2015.

[2] Food Security Cluster Situational Analysis: Bentiu (4 December 2014). Available at http://foodsecuritycluster.net/sites/default/files/Bentiu%20situation%20analysis%20public%20FINAL.pdf, accessed on 23 July 2015.

[3] UNMISS Special Report, Ibid.

[4] HSBA Facts & Figures: The Conflict in Unity State (29 January 2015). Available at http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/HSBA-Conflict-Unity-Jan-2015.pdf, accessed on 23 July 2015.

[5] Sudan Tribune, S. Sudan rebels claim control over Bentiu amid government denials, (30 October 2014). Available at http://www.sudantribune.com/spip.php?article52884, accessed on 23 July 2015.

should be re-invested in the communities in whose territories the oil-fields are located, and 2 % remain with the State authorities. If the SPLA were to attack these areas and take control over them, this would not only undermine the power base of the SPLM/A in Opposition, but would also provide Juba with vital resources for sustaining the war effort. In October 2014, such a goal seemed to be achievable, therefore the opposition wanted to prevent the SPLA from launching an offensive in southern Unity State. It was clear from the start this offensive would further imperil the already dire humanitarian situation.[6]

Gross human rights abuses:

5. At least 11 civilians were reportedly killed by SPLM/A in Opposition when they tried to retake control of the city from the government on 29 October 2014. Reports also indicated that civilians were deliberately targeted because of a perceived association with government forces. In one instance, 14 men were taken from the Bentiu Catholic Church, where they had sought sanctuary. They had to walk to a nearby cemetery, where at least eight of them were shot and killed, two were wounded, while four remained unharmed. Other civilians hiding in the Church were beaten with sticks. In another incident during the attack, two women and a baby were killed in their homes.[7]

6. The UNMISS Human Rights Division also received multiple testimonies indicating that women were victim of abduction and rape by SPLM/A in Opposition forces after government forces withdrew. At least 20 women were abducted and forced to carry wounded SPLM/A in Opposition fighters or were told that they were being taken to their new husbands. One witness reported that as women were being taken out of Bentiu, some were picked from the group by SPLM/A in Opposition fighters and taken into the bush, where they may have been sexually assaulted. Another survivor described how on the way to Guit, some women were forced to have sex with multiple armed elements at night, otherwise they would have been killed.[8] The Panel learned from confidential sources that for 3 nights in a row, these women were raped by SPLM/A in Opposition fighters in turns and that each woman was raped by at least 8 men. After 3 days and nights of walking, they were released. Five women returned to Bentiu on 1 November but four others could not return with them because of the injuries and fatigue they had sustained due to being abused and raped. It is not known what happened to them afterwards, but witnesses suggested they would follow when they had recovered. It is also not known what happened to the other 11 women who were abducted.

Conclusions:

7. The motive for killing these civilians seemed to be to punish the Nuer families who had "betrayed" the Nuer community by accepting to live within Bentiu town under control of the government. According to the UNMISS Special

[6] "IGAD mediators condemn violence in South Sudan's Unity State; call on opposition forces to immediately cease hostilities", IGAD press statement, 29 October 2014.

[7] Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General. Human rights situation in South Sudan (27 March 2015). A/HRC/28/49.

[8] UNMISS Special Report. Ibid.

Report, alleged perpetrators of the attacks referred to Nuer victims as "Dinka" — apparently to denote their perceived support for the government."

8. The abduction and beating of civilians who sought refuge at a place of worship is particularly shocking. Such places of worship are protected under international humanitarian law.

" UNMISS Special Report, Ibid.

Annex V

April-July 2015 Unity State offensive by SPLA and associated armed groups

1. In recent months, various open sources have reported on the SPLA's most recent offensive in Unity State. Both from these secondary and from multiple primary sources, the Panel has learned that this offensive was marked by particularly brutal violence targeting civilians. The Panel has found that the SPLA armed forces were intent on rendering communal life unviable and prohibiting any return to normalcy following the violence. All interlocutors the Panel has interviewed indicated that this strategy was driven by the objective of completely destroying the SPLM/A in Opposition's support base at all costs. The intensity and brutality of violence aimed at civilians is hitherto unseen, in what has been so far — without a doubt — an incredibly violent conflict, where civilians have been targeted by all parties to the conflict, thereby definitively changing the dynamics of the conflict.

Context

2. Eighteen months after the start of the conflict in December 2013, during which the scale and intensity of fighting has vacillated, fighting flared up again in April 2015.[1] In April and May 2015, the SPLA pushed south from Bentiu, the state capital, rapidly overrunning SPLM/A in Opposition positions in Guit and Koch counties, before attacking Leer county. SPLA forces also pushed northeast from Lakes and Jonglei States, and attacked SPLM/A in Opposition positions and villages in Mayendit and Panyijar Counties. Having driven the SPLM/A in Opposition from southern Unity — the wellspring of rebel support in the state — much of the SPLA involved in the offensive withdrew to Bentiu, before attacking Panakuac, the main SPLM/A in Opposition military base on the Sudanese border, and routing the rebels, who fled into the Sudan.[2]

3. A second wave of attacks followed in June, when particularly Bul Nuer youth from Mayom — some of whom were returning from Panakuac, others coming from Mayom — moved to primarily Guit to attack remnants of the SPLM/A in Opposition and civilians, and mostly to raid cattle.

The attacks

4. The offensive seemed to consist of well-coordinated attacks. Regular (i.e. not consisting for the majority of recently integrated former militias members) SPLA forces moved up from Lakes State (overland) and by barge (from Bor). These troops reinforced the SPLA Division IV forces and the Bul Nuer youth who came down from Pariang and Maban. The offensive also saw the integrated use of amphibious vehicles, tanks, Armoured Personnel Carriers

[1] UNMISS, Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile, April/May 2015 (29 June 2015). Available at http://unmiss.unmissions.org, accessed on 30 June 2015.

[2] HSBA Facts & Figures: The Conflict in Unity State (3 July 2015). Available at http://www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html#c1690.

(APC), and infantry to great effect — something the SPLA has not always done in the past.

5. The Panel's sources confirmed that the SPLM/A in Opposition seemed to have offered little resistance, instead preferring to retreat into the swamps when the offensive started.

6. Youth fled the villages with their cattle, usually leaving women, elderly, and children behind, including those physically unable to move. Some interlocutors went so far to say that, because the SPLM/A in Opposition offered this little resistance, they effectively left the civilians to bear the brunt of the offensive as they knew the SPLA and their allied forces would not be able to tell for certain who were civilians and who were armed elements.[3]

Gross human rights abuses:

7. During its field visits to Bentiu on 15-16 June and 8-10 July, the Panel interacted with a wide variety of interlocutors. This included UNMISS, humanitarian agencies and NGOs, IDPs and government officials. The Panel also visited the Bentiu POC sites on both occasions.

8. The Panel found that the SPLA implemented a so-called "scorched earth policy" throughout their Unity State offensive.[4] Government allied forces consistently razed entire villages to the ground; burning down houses — sometimes with occupants inside; looting cattle, other livestock and any valuables; and destroying and vandalising key infrastructure such as schools and hospitals. Furthermore, they undertook indiscriminate killings of civilians; beat and tortured civilians; raped women; and abducted young girls and boys.[5] The violence led to mass civilian displacement with thousands of people forced to flee to the bush and swampy areas where they lack food and water. Some of them managed to flee to the UNMISS POC Site in Bentiu, but tens of thousands have effectively been cut off any humanitarian aid, trying to find a way to survive in swamps.

9. Children have been particularly affected, as reports indicated that many have been killed, raped — including children as young as seven —, abducted or recruited to take part in the fighting throughout the state. Chillingly, witnesses confirmed to the Panel that children were also sometimes the perpetrators of the destruction of villages and crimes committed against the civilian population, as they have been forcibly recruited to fight alongside the SPLA and allied forces. Fighting in Unity also resulted in attacks on schools. In May, three schools were reportedly vacated but 29 schools were being used for military purposes.[6]

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[3] Various interviews with the Panel in Juba in June and July.

[4] Interview with high-level UNMISS representatives, Juba, 16 June 2015.

[5] IGAD MVM, Violation 43 report (8 July 2015). Available at http://southsudan.igad.int/index.php/2014-08-07-10-16-26/2014-08-07-10-30-57 & interviews with confidential sources.

[6] OCHA Humanitarian Bulletin South Sudan (30 June 2015). Available at https://www.humanitarianresponse.info/en/operations/south-sudan/coordination-and-common-services & UNICEF statement (18 May 2015). Available at http://www.unicef.org/esaro/5440_ss2015_children-attacked.html.

Command and control

10. The SPLA has always had difficulties establishing command and control over recently integrated militia members, particularly when these still operate as a single unit led by a single commander. This has effectively been the case with the former SSLA fighters led by Major-General Matthew Puljang and fighters led by Major-General Johnson Olony prior to his defection to the SPLM/A in Opposition. Nevertheless, even though the SPLA Headquarters in Juba may have had limited effective control over tactical-level developments, the coordinated nature of the attack — involving multiple divisions across multiple sectors — indicates a high level of operational planning from Juba.[7] In addition, the GRSS explicitly rejects the notion that it uses militias, claiming it only fights with its own trained soldiers and not alongside civilians.[8] If this is the case, the SPLA is responsible for the conduct of its soldiers and commanders, as well as for guaranteeing the observance of human rights law and international humanitarian law by the forces under its control. It also is responsible for creating such conditions within the armed forces that human rights are respected, including through investigating allegations of abuse and if required, taking disciplinary action or starting criminal proceedings against individuals responsible or against commanders who have failed to exercise their command responsibility.

11. After reports on human rights abuses committed during the offensive surfaced, the government response was initially hostile. The Unity State government threatened to expel the UNMISS State Coordinator, and both the Presidential Spokesperson and the SPLA spokesperson denied the allegations. The government indicated the GRSS would issue a report of its own based on its own investigations.[9] At the time of writing, the Panel was not aware of such investigations having started.

Conclusions

12. This offensive was not only marked by allegations of rampant killing, rape, abduction, looting, arson and displacement, but by a new brutality and intensity, including such horrific acts as the burning alive of people inside their homes.[10]

13. The ferocity with which people were deliberately pursued — sometimes for days — into the swamps to kill them is particularly indicative of further escalation of the level of brutality and intensity of violence. These methods employed for fighting were aimed at annihilating SPLM/A in Opposition's support base, and led to a systematic destruction of villages and towns, forcing people into the PoC sites and creating an 'empty area' across the main

[7] In principle, the rank of Major-General already confers upon Puljang significant autonomy to take decisions on operational matters, which clearly fall outside of the day-to-day responsibility of for example the SPLA Sector Commander in Wau or the General Headquarters in Juba.

[8] Deutsche Welle, "South Sudan spokesman: 'Army didn't commit atrocities'" (22/07/2015). Via: http://www.dw.com/en/south-sudan-spokesman-army-didnt-commit-atrocities/a-18601282, accessed on 27 July 2015.

[9] Ibid.

[10] UNMISS Flash Human Rights Report. Ibid.

transport axes in Central and Southern Unity.[11] Another clear indication of this ferocity and brutality of violence is the large scale rape and sexual abuse of girls and women, including elderly women. Witnesses told the Panel how young girls were raped, often in front of their parents or community members, and then burned alive in their houses.

14. The Panel notes that, even if violence targeted against civilians is not new to the current war in South Sudan, this level of intensity and brutality in the Unity offensive most certainly is. According to UNMISS, the scope and level of cruelty that has characterized this offensive suggests a depth of antipathy that exceeds political differences.[12] The resulting ethnic tensions between Bul Nuer and other Nuer tribes inside PoC sites during the offensive is one clear indication of this ethnic dimension at play.

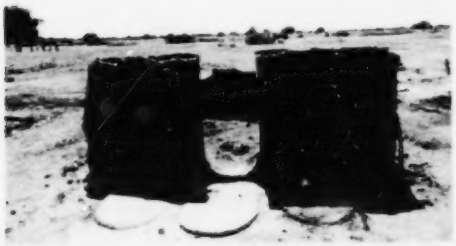
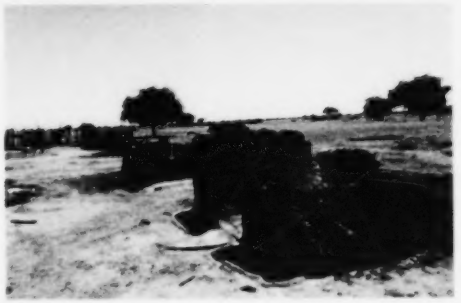
15. The Panel has written to the SPLA, requesting further information regarding these gross human rights abuses, as well as concerning the investigations it has initiated and is currently awaiting a reply. The Panel intends to further investigate individual responsibility on the one hand and superior or command responsibility on the other.

[11] This tactic is reinforced by the creation of 'safe zones'. The government calls upon the population to gather in such areas in which it then positions regular SPLA troops that pose less of a risk to the population, or to which people can safely bring their cattle. In addition it calls upon the international community to legitimise such areas by bringing food or other items into them, as well as provide other forms of support. Bentiu town became one of these areas, with tens of thousands of cows present — many of which were effectively stolen. The tactic has also been employed in Upper Nile State.

[12] UNMISS Flash Human Rights Report, Ibid.

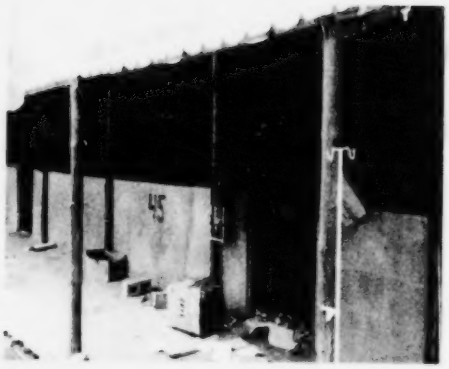
Photographic evidence:[11] **The town of NGOP before and after the incident**

Nhialdiu Market and hospital

[11] Confidential sources — on file with the United Nations.

Leer Hospital



Annex VI

Current state of armed groups in South Sudan

1. When the Comprehensive Peace Agreement (CPA) was signed on 9 January 2005, approximately 20 armed groups were operating throughout the country independent of the official forces.[1] By December 2013, the number of significant armed groups in South Sudan had reportedly been reduced to fewer than five, as a result of a number of government-initiated reconciliation processes undertaken to integrate the armed groups into the SPLA, including the Juba Agreement of 8 January 2006. The only notable forces that remained outside of this process were the South Sudan Democratic Movement/Army-Cobra (SSDM/A-Cobra) under the command of Murle leader David Yau Yau, in southern Jonglei State, and the SSDM/A faction in Upper Nile State under the command of Shilluk leader Johnson Olony.

2. Though amnesty and integration into the SPLA had helped to diminish the near-term threat several militias posed to the consolidation of state control, the drivers of insurgency were neither comprehensively assessed nor systematically addressed. Perceived political and economic marginalization, as well as general socio-economic underdevelopment and disappointment with the authorities in Juba fuelled simmering grievances on the periphery, in particular on the Ethiopian and Sudanese borders.

3. The leadership crisis, including within the state's security system, that began unfolding in mid-2013 revived these animosities and added an explosive ethnic dimension — historically the basis for the emergence of an armed group in South Sudan — to the underlying contest for power. The 15 December 2013 events in Juba that sparked the current war then expedited the consolidation of the forces opposed to the government on an ethnic and clan basis.

4. The SPLA, which had not evolved into an integrated national security force after independence, effectively split into two singularly large parts. One of them, under the control of the former SSDF (which had been led by Riek Machar until 2000) and the commanders of the South Sudan Liberation Movement/Army (SSLM/A), including Peter Gadet, joined the opposition. Within a few days of the events in Juba, at least three SPLA division commanders defected, along with the vast majority of their troops. Many thousands of ethnic Nuer, Shilluk, Murle, and other non-Dinka civilians from various SPLA territorial formations joined them in the subsequent days and weeks, laying bare the internal weaknesses of the SPLA.

5. As result, the government of South Sudan has increasingly transformed the National Security Service from a conventional intelligence gathering and analysis agency into a fighting force. They have received extensive training and have been well equipped compared to the regular SPLA.[2] The service is

[1] Young, John — South Sudan Defence Forces in the Wake of the Juba Agreement (2007); Small Arms Survey HSBA Working Paper 1; pp. 42-48; Young, John — The Fate of Sudan, Zed Books (2012), pp. 54-61, Small Arms Survey, Annual Update (2007), pp. 340-344.

[2] See for example, Sudan Tribune, "S. Sudan graduates over 3,000 national security officers". The article mentions this is only one batch of three. Via: http://www.sudantribune.com/spip.php?article54865.

funded through the Presidential Office, which allows for limited transparency with regards to exact budget allocations, but which has seen its budget increase significantly (see also finance/natural resources section). The government has also strengthened and increasingly relied upon the Presidential Guard (SPLA Tiger Division), composed of Dinka from the home area of President Kiir.[3]

SPLM/A in Opposition

6. The splinter forces, which accounted by various estimates for at least one third of the entire strength of the SPLA before the December 2013 crisis, remain under the title of the SPLM/A in Opposition. The SPLM/A in Opposition retained the SPLA command and control structures, ranks and promotion system.

7. SPLM/A in Opposition forces are concentrated in the Greater Upper Nile areas populated by Nuers. In itself, this is a reflection of the ethnic element of the war, a factor that presents one of the most formidable challenges to ending the conflict. Nuer-populated areas are decisively supportive of the opposition throughout Jonglei, Unity and Upper Nile States. The fact that the largest defections from the SPLA came from Divisions VIII (Jonglei), IV (Unity) and VII (southern Upper Nile) since they were composed mostly of Nuers, deployed in the Nuer heartland, should be regarded as a further indication that the conflict is perceived at the grass-roots level as ethnically-based. It is also believed that several thousand Nuer defected from the South Sudan Police Service (SSPS) during the first few months of the war.

8. Traditionally, the former SSDF, SSDM/A and SSLM/A force commanders at all levels combine military command with community mobilization. All SPLM/A in Opposition senior commanders are now effectively able to mobilize the respective contingents of community militias amongst the Nuer population.

9. The SPLM/A in Opposition suffers from internal divisions over the conditions for entering into an agreement with the government, centred largely on whether any power-sharing arrangement could include President Kiir. This fragmentation recently became visible when Machar's senior military commanders sent a letter to IGAD informing them that no agreement that included both Kiir and Machar would be acceptable to them. In response, Machar sacked two of his senior commanders. This fragmentation will have a large impact on the ability of the SPLM/A in Opposition to enforce implementation of any peace agreement.

Tribal militias and local security arrangements

10. For generations, the security environment of vast areas inside South Sudan has been shaped by continuous inter-tribal competition for livelihoods emanating from the semi-nomadic and nomadic life-styles. Cattle-raiding, which dominates

[3] The Presidential Guard played a crucial role in the fighting that erupted in Juba in December 2013, as well as the so-called "Mathiang Anyoor" militia that was subsequently integrated into the National Security Service.

the everyday life of numerous communities in Greater Bahr el-Ghazal and Greater Upper Nile areas, is the most obvious manifestation of this competition.

11. The most prominent group of tribal fighters known as the "White Army" is an agglomeration of tribal militia made up of Lou, Jikany and Gawaar Nuers. Their numbers are assessed randomly at 4,000 to 6,000, but it can swell to much larger numbers if broader security threats to the Nuer clans emerge, as is now the case.

12. The SPLA has purposefully used youth militia as part of its strategy in Unity and Upper Nile State, while the youth groups themselves use the chaos and the cover of acting on behalf of the Government to steal cattle, plunder and attack rival ethnic groups. Local authorities and traditional leaders in most cases are unable to provide the oversight required to keep the activities of the militias within the customary law, including compensation and broader accountability. Outside of areas of direct hostilities between SPLA and SPLM/A in Opposition, the lack of both state capacity and willingness to provide security also leads to increasing violence.

Non-indigenous armed groups

13. The non-indigenous armed groups, including the Sudanese Justice and Equality Movement (JEM) and the Ugandan Lord's Resistance Army (LRA), have operated within South Sudan since 2010 and 2002, respectively. Since the beginning of the war, JEM has been reported to participate in the security operations in Unity State on the side of the SPLA. During its July visit to Bentiu, the Panel witnessed undisguised movement of the JEM fighters around the city.

The armed groups presence in different States of South Sudan

14. In Jonglei State, the area of SPLM/A in Opposition control has been gradually shrinking, as the SPLA continued to launch and sustain security advances in southern Jonglei, near Bor, and from the neighbouring Lakes and Warrap States. Opposition control is most extensive in Upper Nile State. The SPLM/A in Opposition regular forces, as well as "White Army" formations of Gajok and Jikany Nuers, have been critical to the opposition's ability to sustain effective control of these areas. Despite continued fighting, since January 2014, the area of control in Upper Nile has not changed appreciably. After the defection of Shilluk militia leader Johnson Olony from the SPLA, Upper Nile has effectively split into three zones based largely on ethnicity. The state capital Malakal and the strategic Dolieb Hill continue to change hands, and the opposition has on multiple occasions attempted to take the oil fields in Paloich as shutting down oil production in this area would starve the government of any revenue.

15. The opposition in Unity State has been not as successful in maintaining territorial and political control. The decision of the SSLM/A to support the government split the Bul Nuer community, and many Bul Nuer were rewarded by being given senior positions in the government of Unity State, including the governor and the deputy governor posts. The SPLM/A in Opposition military presence in Mayendit, Koch and Mayom Counties seems to have been degraded by the major offensive of the SPLA and allied Bul Nuer militias that

started in April 2015. IO repositioning and resupplying is now believed to take place through the border areas of Sudan.

16. The SPLM/A in Opposition has allied forces in Northern Bahr el-Ghazal State congregated around former SPLA Major-General Dau Aturjong, the most prominent Dinka member of the opposition. An appreciable number of Aturjong fighters hail from the "*gulweng*" ranks — armed Dinka militia composed mostly of underage youth. These were left out by the mobilization drive in 2012-2013 organised by Gen. Paul Malong Awan, the former governor of the state and the current chief-of-staff of the SPLA. Aturjong's forces have not attacked the SPLA installations. They have engaged, however, in low intensity skirmishes near Kwajok in the Northern Bahr el-Ghazal and around Wau, Western Bahr el-Ghazal.

17. The political crisis in Juba and the resultant violence also led to the defection of thousands of Nuer from Divisions III and V deployed in the Greater Bahr El Ghazal area, particularly after the so-called "Mapel massacre" on 25 April 2014.[4] Protracted non-payment of salaries to the military stimulated the defections. Many defectors who did not want to participate in the war against the SPLM/A in Opposition first crossed into neighbouring Sudan and then returned to Southern Sudan, aligning themselves with the Aturjong rebellion.

18. In Western Equatoria State, the sporadic attacks on the SPLA-protected camps of the Dinka cattle herders from Jonglei and Lakes States coincided this year with attacks on the SPLA military convoys, in particular in the Mundri West and Mlovo Counties. The government forces answered by targeting civilians, which led to the displacement, during May 2015, of up to fifteen thousand people, mostly Mundaris. Similar developments have taken place in Maridi County.

19. In Eastern Equatoria State, the population and local authorities are apprehensive about the government's efforts to recruit the Equatorians for the ongoing conflict in the Greater Upper Nile. Clashes between local Topoza and Turkana militias and the SPLA have been reported since last year.[5]

20. In Central Equatoria State, the Governor, Mr. Clement Wani Konga, is believed to be in control of about several thousand-strong Mundari militia deployed there as well as in neighbouring Western Equatoria State. In his recent public statements, Governor Konga openly criticized the governance methods of the national authorities. The governors of Eastern and Western Equatoria have expressed similar criticism in public.[6]

[4] See: South Sudan National Advocacy Group — Statement dated 28 April 2014, at www.southsudannewsagency.com.

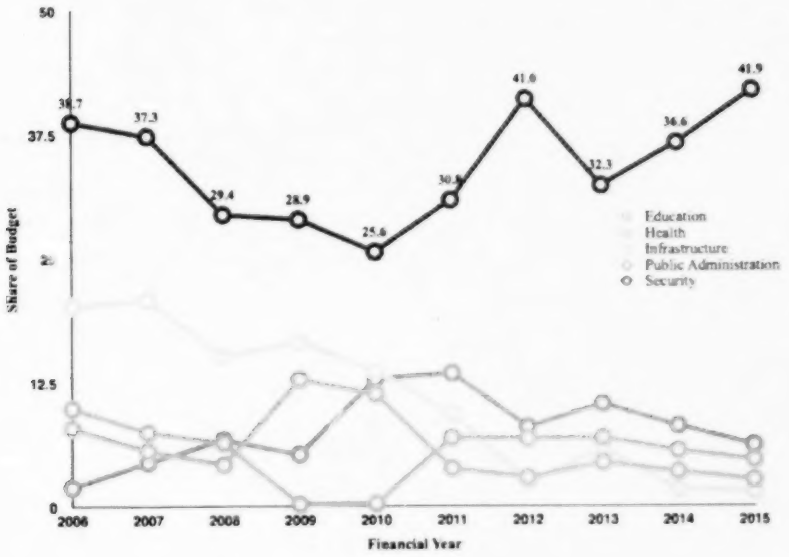
[5] See: IRNA report on ADRA rapid needs assessment in Mundri West County, Western Equatoria State, from 5 to 10 June 2015.

[6] See: Top Equatorian rebel leader slams governors' stance on federalism — in: Sudan Tribune, 23 February 2015.

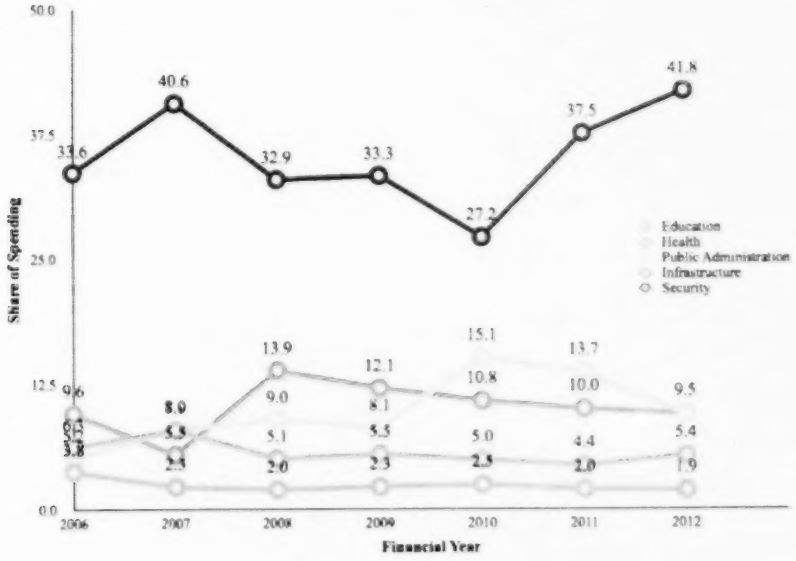
Annex VII

Percentage budgetary allocation by sector

(i) Share of approved budget

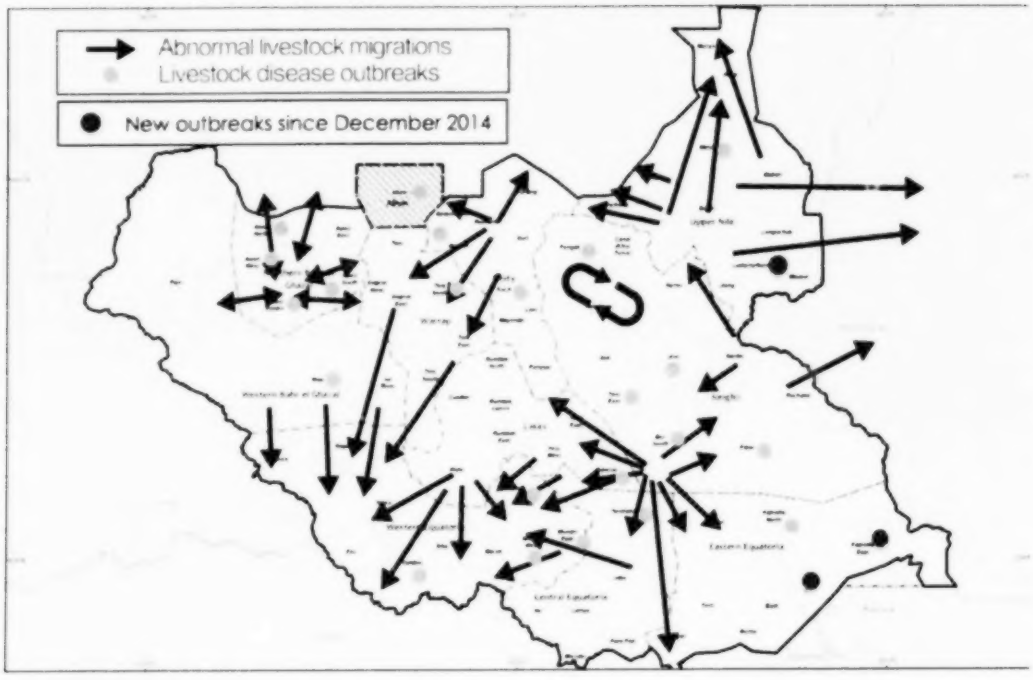


(ii) Share of Actual Spending



Annex VIII

Disruptions in livestock migrations



Annex IX

Section of captured cattle brought to Bentiu in mid-June

Annex X

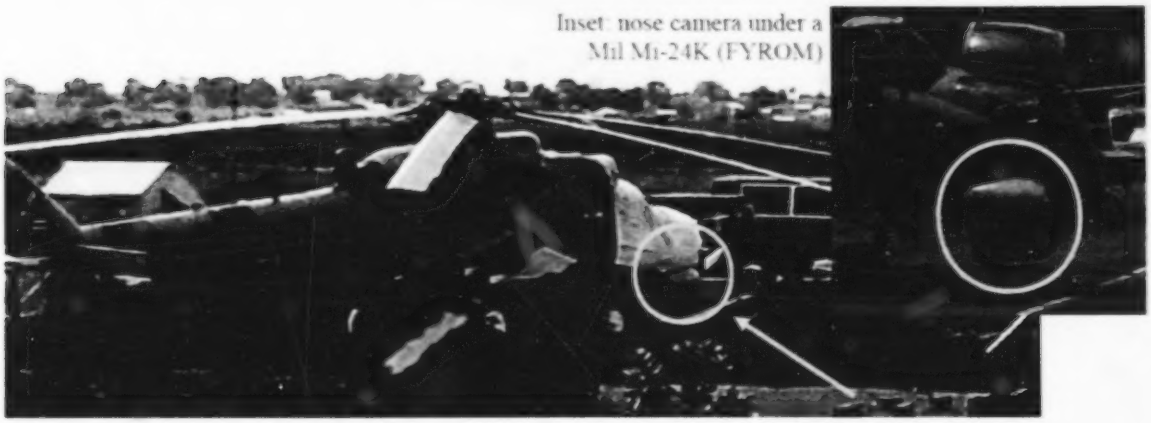
SPLM/A in Opposition fighters in Bentiu loot a slain SPLA soldier on 5 May 2014[1]

[1] https://www.youtube.com/watch?v=9RuiiAa1WpY.

Annex XI

Analysis of photographic evidence of Mil Mi24 helicopter flying the South Sudanese flag

Inset: nose camera under a Mil Mi-24K (FYROM)

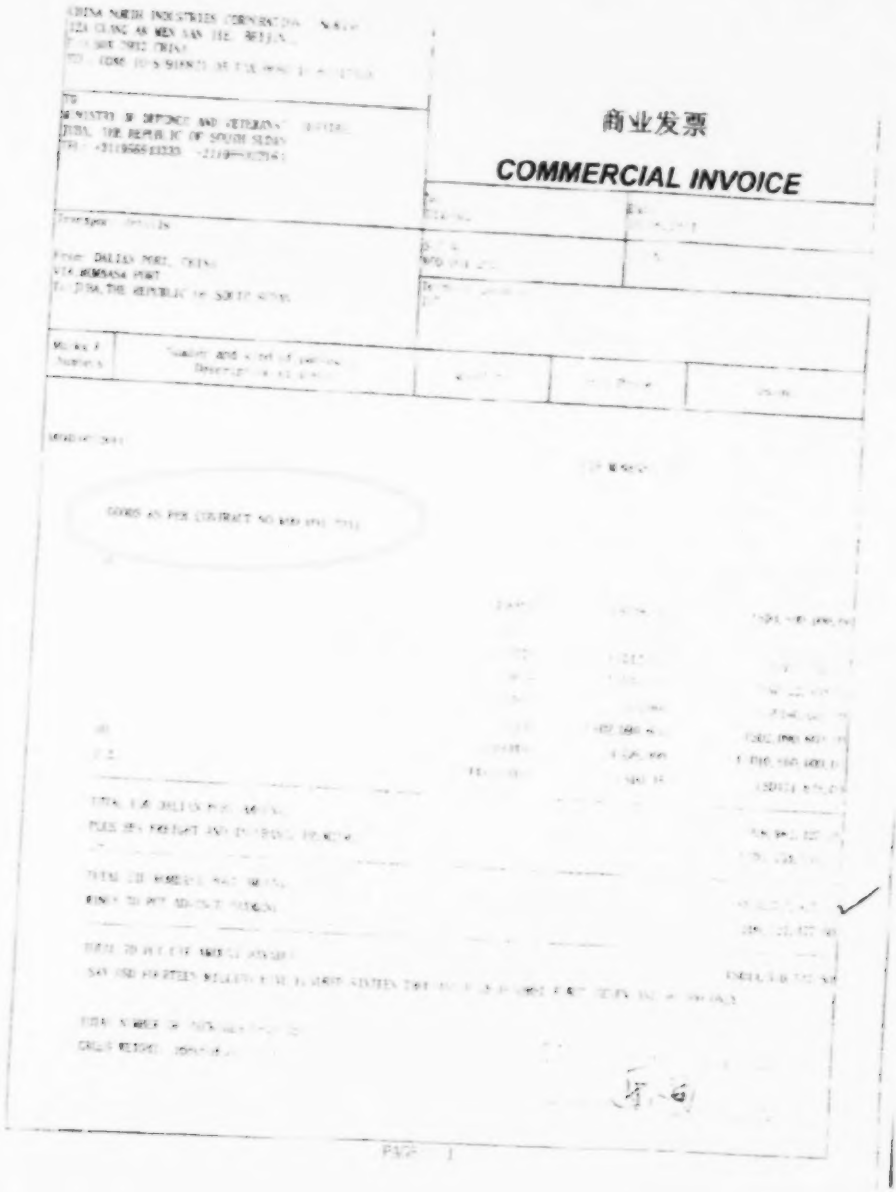


The Mi-24V is externally similar to earlier Mil Mi-24D but normally fitted with Anti-Tank Guided Missiles (ATGMs) on 'H' shaped missile rails on end of stub wings (see photograph in picture in main body of text) and has a modified radio guidance pod which is more streamlined. However, image below of a South Sudan Mil Mi-24 shows an aircraft that appears to be converted from a Mi-24K (camera recce version) with the under nose camera removed which leaves a distinctive bulge on the starboard side of the nose (yellow circle). Without sights, the helicopter cannot fire ATGMs from the H-shaped rails visible on the picture in text above. This can indicate that South Sudan is in possession of two different types of Mil Mi-24 helicopters. It is unlikely that new Mil Mi-24K helicopters, designed specifically for reconnaissance purposes, have undergone modular refitting of the kind visible on the picture prior to delivery, making it likely that this helicopter is not newly acquired by South Sudan.

Annex XII

Documentation concerning shipment of arms, ammunition, and related materiel from Norinco to the Ministry of Defence and Veterans' Affairs, June 2014

(Contract number circled in yellow)



商业发票

COMMERCIAL INVOICE

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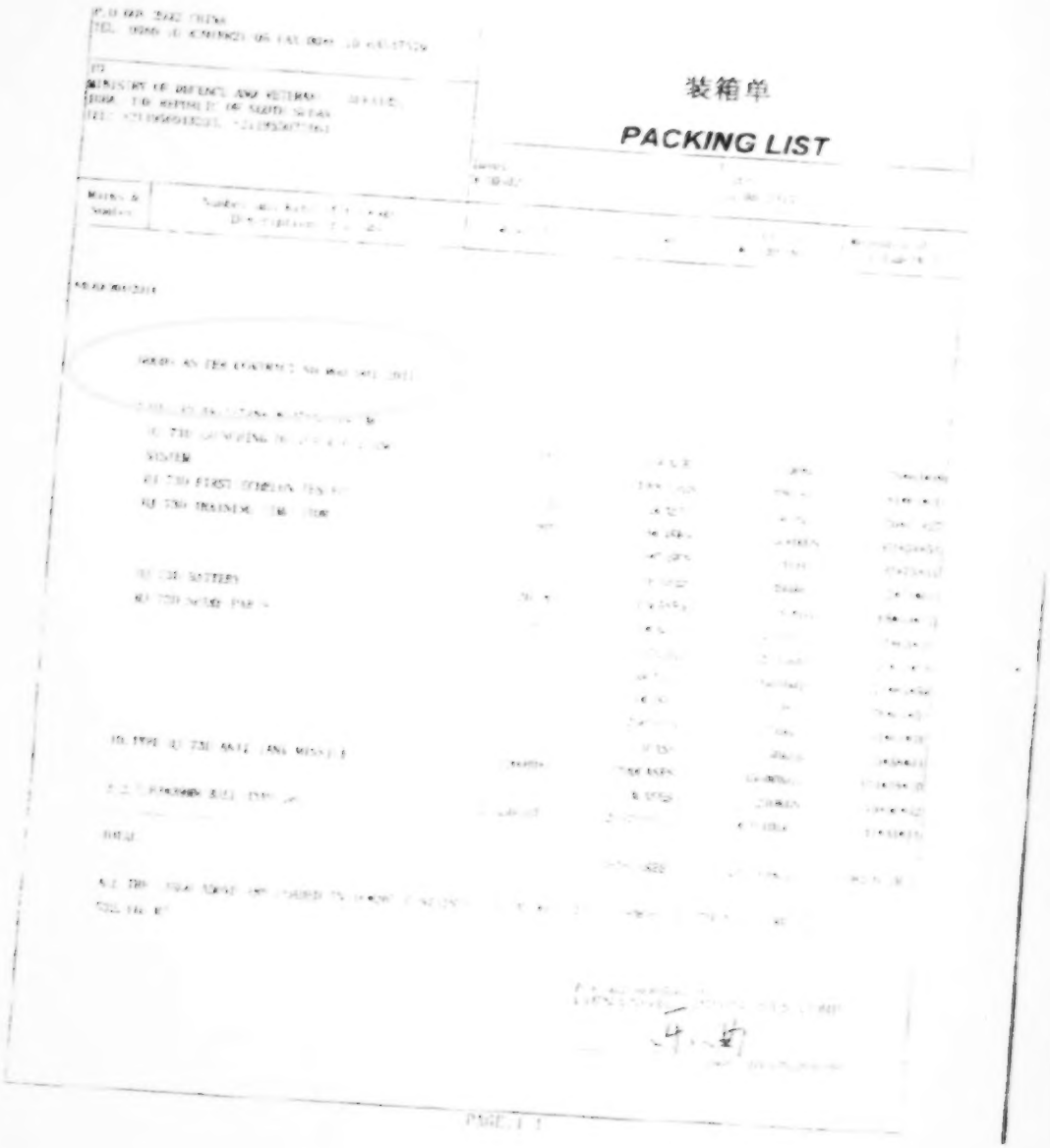
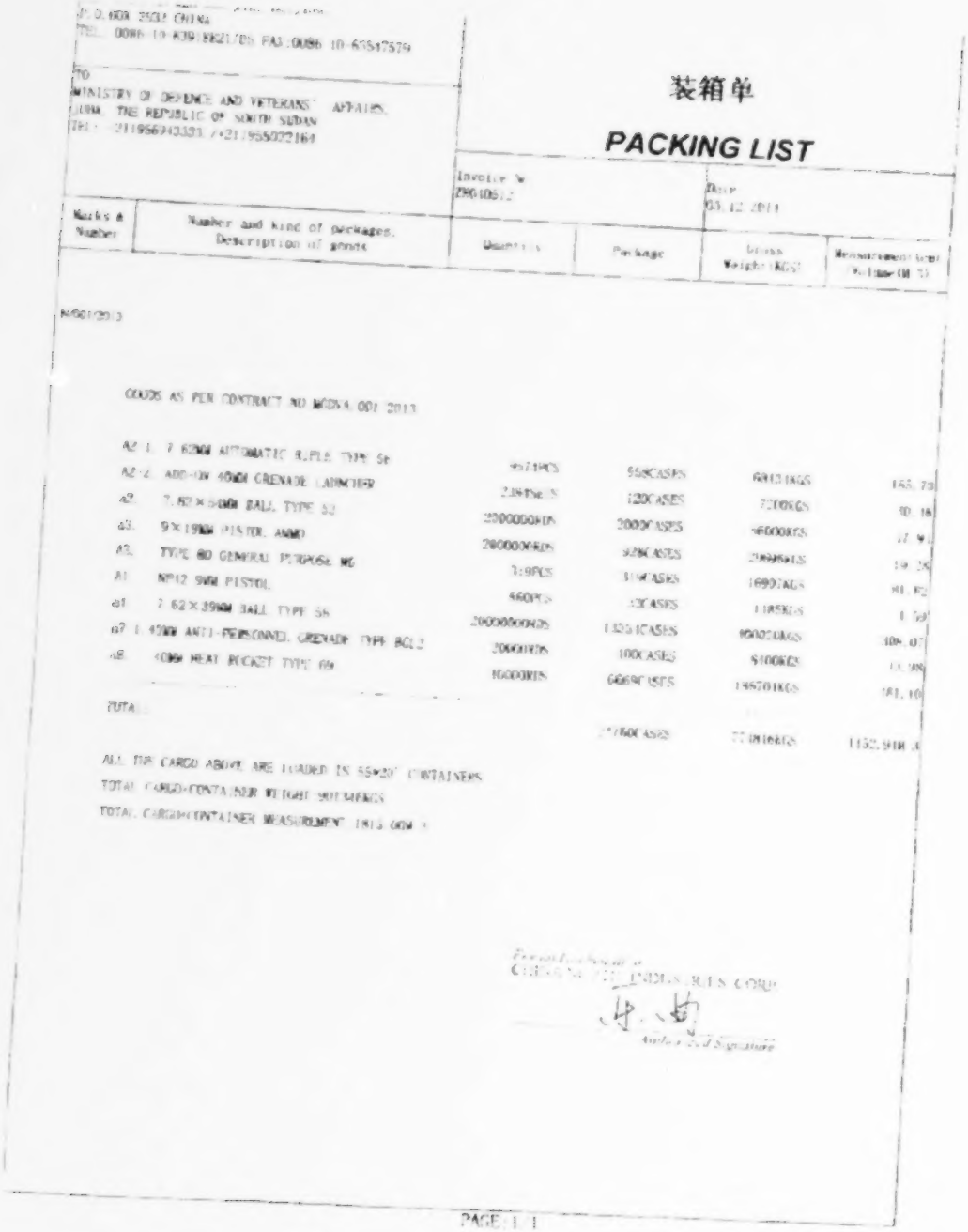


装箱单

PACKING LIST



装箱单

PACKING LIST

TO:
MINISTRY OF DEFENCE AND VETERANS' AFFAIRS,
JUBA, THE REPUBLIC OF SOUTH SUDAN
TEL: +211956943333 /+211955022184

Invoice No.
ZB01DS12

Date
03.12.2011

Marks & Number	Number and kind of packages, Description of goods	Quantity	Package	Gross Weight (KGS)	Measurement (cbm) (Volume (M³))
N/001/2013					
	GOODS AS PER CONTRACT NO MODVA 001/2013				
	A2-1 7.62MM AUTOMATIC RIFLE TYPE 56	95719PCS	958CASES	68613KGS	165.73
	A2-2 ADD-ON 40MM GRENADE LAUNCHER	23979PCS	120CASES	7200KGS	10.18
	a2 7.62×54MM BALL TYPE 52	20000000RDS	2000CASES	46000KGS	77.9
	a3 9×19MM PISTOL AMMO	20000000RDS	928CASES	29998KGS	19.25
	A3 TYPE 80 GENERAL PURPOSE MG	7199PCS	114CASES	16992KGS	81.92
	A1 NP12 9MM PISTOL	4601PCS	23CASES	1185KGS	1.79
	a1 7.62×39MM BALL TYPE 56	20000000RDS	1330.8CASES	85002.6KGS	109.07
	a7 1 42MM ANTI-PERSONNEL GRENADE TYPE RGL2	200019PCS	100CASES	5100KGS	13.39
	a8 40MM HEAT ROCKET TYPE 69	9600RDS	666.9CASES	13467.8KGS	181.10
	TOTAL:		5771.6CASES	77.0916KGS	1152.918 CBM

ALL THE CARGO ABOVE ARE LOADED IN 55*20' CONTAINERS
TOTAL CARGO+CONTAINER WEIGHT 901.5MKGS
TOTAL CARGO+CONTAINER MEASUREMENT 1813.00M³

Forwarder's Name or
CARGO SERVICES LOADING RUES CORP.

Author'zed Signature

PAGE: 1/1

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12A GUANG AN MEN NAN JIE, BEIJING, P.O.BOX 2932 CHINA
TEL.: 0086-10-63918821/06 FAX:0086-10-63547579

Consignee (Insert name, address and phone)

TO ORDER OF SHIPPER

中远航运股份有限公司
COSCO SHIPPING CO., LTD.

FAX:86-20-8761[illegible] TLX:440068 COSCA CN

Notify Party (Insert name, address and phone)

LOID INVESTMENTS LTD.
JEBEL CENTRE P.O.BOX 41 JUBA
AND BOD

BILL OF LADING

ORIGINAL

Vessel: PENG HUANG SONG V.0035

Port of Loading: DALIAN PORT, CHINA

Port of Discharge: MOMBASA PORT

Number of Original B/L: THREE

Particulars Furnished by Merchants

Description of Goods	Gross weight/Measurement
N/M	
CONTAINER NO./SEAL NO.	
PCL GLBU2980660/C37309/60BCASES	
PCL CCLU2706739/C37320/60BCASES	
PCL UESU2115286/C37321/571CASES	
PCL CBHU3499750/C37322/505CASES	
PCL PSCU3498700/C37323/145CASES	
PCL PSCU3221914/C37324/146CASES	
PCL CCLU2710111/C37325/145CASES	
PCL GVDU2009986/C37326/145CASES	
PCL PSCU3999320/C37327/145CASES	
PCL PSCU3430870/C37328/145CASES	
PCL CCLU2897112/C37329/145CASES	
PCL PCIU2150827/C37331/145CASES	
PCL PSCU3441797/C37332/75CASES	
PCL PSCU3444890/C37334/75CASES	
PCL PSCU3451075/C37335/125CASES	
PCL CBHU3229224/C37337/89CASES	
3816CASES (IN 16x20'S.O.C.)	16806.000KGS 532.4168M3
GOODS AS PER CONTRACT DATED 03-APR-2013	
TOTAL CARGO WEIGHT:13[illegible]KGS TOTAL CARGO MEASUREMENT:362.0118M3 CLEAN ON BOARD	
SAY:THREE THOUSAND EIGHT HUNDRED AND SIXTEEN CASES ONLY. (THE GOODS ARE SHIPPED IN SIXTEEN TWENTY-FEET SHIPPER'S OWN CONTAINER)	

(of which on deck at Merchant's risk, the Carrier not being responsible for loss or damage howsoever arising)

Freight and Charges

FREIGHT PREPAID

[illegible]

Place and date of issue: DALIAN

Signed for and on behalf of the Carrier:

AS AGENT FOR THE CARRIER:
COSCO SHIPPING CO., LTD.

For conditions of carriage see overleaf

Serial No.GZ 0026389
(For Carrier's use only)

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Annex XIII

Summary of emergency SPLA budget, January-June 2014

The Panel has obtained the full document, including individual line items for the Operations Group, Logistics Group, Administration Group, and Moral Orientation Group. For reasons of brevity these are withheld, but they can be obtained from the Panel by members of the Committee upon request. Although authentic in nature, the individual items mentioned have not necessarily been obtained by the GRSS. Other items the SPLA would not be in a position to obtain given their limited distribution or availability in countries unlikely to sell them. Neither would the SPLA be able to manage such items without the corresponding training in operating, maintaining, and repairing the equipment. Nevertheless, the Panel believes this budget provides an insight into the initial discussions surrounding the SPLA response to the crisis, in which from the beginning acquiring additional equipment as a means to militarily counter the loss of division-size formations to the SPLM/A in Opposition was tabled as a central policy option.

Summary of emergency budget (Jan-June 2014)

Matrix for Emergency Needs and Requirements

(Estimated cost in SSP)

A.	**Operations Group**	
1.	Artillery Unit	36.529.111.5
2.	Armoured & Anti-Tank Unit	361.176.693.5
3.	Air Defence Unit	14.432.405.3
4.	Military Intelligence Unit	80.283.732.7
5.	Medical Corp	22.777.380.0
6.	Air Force Unit	60.630.440.4
7.	Engineering Corp	44.534.255.9
8.	Signal Corp	7.023.613.3
9.	Commando Unit	5.754.086.6
10.	Riverine Unit	6.500.112.2
11.	Training Branch	6.531.668.4
12.	Others	4.000.000.0
B.	**Logistics Group**	
1.	Arms & Ammunitions	815.038.680.9
2.	Fuel and Lubricants	244.366.000.0
3.	Transport & Maintenance	158.432.273.5
4.	Food Rations	418.509.559.0
5.	Uniforms	138.150.000.0
6.	Ordinance	1.177.648.5
7.	Others	77.066.472.0
	Total	**1.852.740.633.9**

C.	**Administration Group**	
1.	GHQS Admin. Running Cost	7.000.000,00
2.	Military Police	5.000.000,00
3.	Force Control & Management System	12.000.000,00
4.	Military Justice	2.523.698,40
	Total	**26.523.698,40**
D.	**Moral Orientation Group**	
1.	Information & Media	1.650.000,00
2.	Morale Orientation Works	2.100.000,00
	Total	**3.750.000,00**
	Grand total	**2.533.187.831,99**